

AMENDED IN SENATE MAY 31, 2016

AMENDED IN SENATE APRIL 21, 2016

AMENDED IN SENATE APRIL 12, 2016

AMENDED IN SENATE APRIL 7, 2016

SENATE BILL

No. 1039

Introduced by Senator Hill

February 12, 2016

An act to amend Sections *115.6, 144, 146, 651, 656, 683, 800, 805, 805.1, 805.5, 805.6, 810, 2052.5, 2423, 2460, 2461, 2475, 2479, 2486, 2488, 2492, 2499, 2733, 2746.51, 2786.5, 2811, 2811.5, 2815, 2815.5, 2816, 2830.7, 2836.3, 2838.2, 4128.2, 4170, 4175, 4830, 4999, 4999.2, 7137, 7153.3, 8031, 8516, and 8518* of, to amend, repeal, and add ~~Section 4400~~ *Sections 4400, 7137, and 7153.3* of, to add ~~Section 2499.7 to~~, *Chapter 3.5 (commencing with Section 1460) to Division 2 of*, to repeal Sections 4999.1, 4999.3, 4999.4, and 4999.6 of, *to repeal Article 22 (commencing with Section 2460) of Chapter 5 of Division 2 of*, and to repeal and add Section 4999.5 of, the Business and Professions Code, *to amend Section 13401 of the Corporations Code*, to amend Section 1348.8 of the Health and Safety Code, and to amend Section 10279 of the Insurance Code, relating to professions and vocations, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 1039, as amended, Hill. Professions and vocations.

(1) Existing law requires the Office of Statewide Health Planning and Development to establish the Health Professions Education Foundation to, among other things, solicit and receive funds for the purpose of providing scholarships, as specified.

The bill would state the intent of the Legislature to enact future legislation that would establish a Dental Corps Scholarship Program, as specified, to increase the supply of dentists serving in medically underserved areas.

(2) The Medical Practice Act creates, within the jurisdiction of the Medical Board of California, the California Board of Podiatric Medicine. Under the act, certificates to practice podiatric medicine and registrations of spectacle lens dispensers and contact lens dispensers, among others, expire on a certain date during the second year of a 2-year term if not renewed.

This bill would instead create the California Board of Podiatric Medicine in the Department of Consumer Affairs, and would make conforming and related changes. The bill would discontinue the above-described requirement for the expiration of the registrations of spectacle lens dispensers and contact lens dispensers.

(3) The Nursing Practice Act provides for the licensure and regulation of nurse practitioners by the Board of Registered Nursing, which is within the Department of Consumer Affairs, and requires the board to adopt regulations establishing standards for continuing education for licensees, as specified. That act requires providers of continuing education programs approved by the board to make records of continuing education courses given to registered nurses available for board inspection. That act also prescribes various fees to be paid by licensees and applicants for licensure, and requires these fees to be credited to the Board of Registered Nursing Fund, which is a continuously appropriated fund as it pertains to fees collected by the board.

This bill would require that the content of a continuing education course be based on generally accepted scientific principles. The bill would also require the board to audit continuing education providers, at least once every 5 years, to ensure adherence to regulatory requirements, and to withhold or rescind approval from any provider that is in violation of regulatory requirements. The bill would raise specified fees, and would provide for additional fees, to be paid by licensees and applicants for licensure pursuant to that act. By increasing fees deposited into a continuously appropriated fund, this bill would make an appropriation.

(4) The Pharmacy Law provides for the licensure and regulation of pharmacists by the California State Board of Pharmacy within the Department of Consumer Affairs. That law prescribes various fees to be paid by licensees and applicants for licensure, and requires all fees

collected on behalf of the board to be credited to the Pharmacy Board Contingent Fund, which is a continuously appropriated fund as it pertains to fees collected by the board.

This bill would, on and after July 1, 2017, modify specified fees to be paid by licensees and applicants for licensure pursuant to that act. By increasing fees deposited into a continuously appropriated fund, this bill would make an appropriation.

(5) The Veterinary Medicine Practice Act provides for the licensure and regulation of veterinarians by the Veterinary Medical Board, which is within the Department of Consumer Affairs. Under the act, it is unlawful and a misdemeanor for any person to practice veterinary medicine in this state unless he or she holds a valid, unexpired, and unrevoked license issued by the board, except under specified circumstances, including when regularly licensed veterinarians in actual consultation from other states or when regularly licensed veterinarians are actually called from other states to attend cases in this state and do not open an office or appoint a place to do business within the state.

This bill would replace those exceptions with an exception for veterinarians holding a current, valid license in good standing in another state or country who provide assistance to a California licensed veterinarian and attend on a specific case, subject to specified conditions.

~~(5)~~

(6) Existing law requires businesses that employ, or contract or subcontract with, the full-time equivalent of 5 or more persons functioning as health care professionals, as defined, whose primary function is to provide telephone medical advice, that provide telephone medical advice services to a patient at a California address to be registered with the Telephone Medical Advice Services Bureau and further requires telephone medical advice services to comply with the requirements established by the Department of Consumer Affairs, as specified.

This bill would discontinue the requirement that those businesses be registered with the bureau, would instead make the respective healing arts licensing boards responsible for enforcing those requirements and any other laws and regulations affecting those health care professionals licensed in California, and would make conforming and related changes.

~~(6)~~

(7) The Contractors' State License Law provides for the licensure and regulation of contractors by the Contractors' State License Board

within the Department of Consumer Affairs. That law also prescribes various fees to be paid by licensees and applicants for licensure, *requires the board to set the fees by regulation*, and requires fees and civil penalties received under that law to be deposited in the Contractors' License Fund, which is a continuously appropriated fund as it pertains to fees collected by the board.

~~This bill~~ *bill, on and after July 1, 2017, would raise specified fees fees, would instead authorize the board to set the fees by regulation*, and would require the board to establish criteria for the approval of expedited processing of applications, as specified. By increasing fees deposited into a continuously appropriated fund, this bill would make an appropriation.

~~(7)~~

(8) Existing law provides for the licensure and regulation of shorthand reporters by the Court Reporters Board of California within the Department of Consumer Affairs. That law authorizes the board, by resolution, to establish a fee for the renewal of a certificate issued by the board, and prohibits the fee from exceeding \$125, as specified. Under existing law, all fees and revenues received by the board are deposited into the Court Reporters' Fund, which is a continuously appropriated fund as it pertains to fees collected by the board.

This bill would raise that fee limit to \$250. By authorizing an increase in a fee deposited into a continuously appropriated fund, this bill would make an appropriation.

~~(8)~~

(9) Existing law provides for the licensure and regulation of structural pest control operators and registered companies by the Structural Pest Control Board, which is within the Department of Consumer Affairs, and requires a licensee to pay a specified license fee. Existing law makes any violation of those provisions punishable as a misdemeanor. Existing law places certain requirements on a registered company or licensee with regards to wood destroying pests or organisms, including that a registered company or licensee is prohibited from commencing work on a contract until an inspection has been made by a licensed Branch 3 field representative or operator, that the address of each property inspected or upon which work was completed is required to be reported to the board, as specified, and that a written inspection report be prepared and delivered to the person requesting the inspection or his or her agent. Existing law requires the original inspection report to be submitted to the board upon demand. Existing law requires that written report to

contain certain information, including a foundation diagram or sketch of the structure or portions of the structure inspected, and requires the report, and any contract entered into, to expressly state if a guarantee for the work is made, and if so, the terms and time period of the guarantee. Existing law establishes the Structural Pest Control Fund, which is a continuously appropriated fund as it pertains to fees collected by the board.

This bill would require the operator who is conducting the inspection prior to the commencement of work to be employed by a registered company, except as specified. The bill would not require the address of an inspection report prepared for use by an attorney for litigation to be reported to the board or assessed a filing fee. The bill would require instead that the written inspection report be prepared and delivered to the person requesting it, the property owner, or the property owner's designated agent, as specified. The bill would allow an inspection report to be a complete, limited, supplemental, or reinspection report, as defined. The bill would require all inspection reports to be submitted to the board and maintained with field notes, activity forms, and notices of completion until one year after the guarantee expires if the guarantee extends beyond 3 years. The bill would require the inspection report to clearly list the infested or infected wood members or parts of the structure identified in the required diagram or sketch. By placing new requirements on a registered company or licensee, this bill would expand an existing crime and would, therefore, impose a state-mandated local program.

Existing law requires a registered company to prepare a notice of work completed to give to the owner of the property when the work is completed.

This bill would make this provision only applicable to work relating to wood destroying pests and organisms.

(9)

(10) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. It is the intent of the Legislature to enact future legislation that would establish a Dental Corps Scholarship Program within the Health Professions Education Foundation to increase the supply of dentists serving in medically underserved areas.

SEC. 2. *Section 115.6 of the Business and Professions Code is amended to read:*

115.6. (a) A board within the department shall, after appropriate investigation, issue the following eligible temporary licenses to an applicant if he or she meets the requirements set forth in subdivision (c):

(1) Registered nurse license by the Board of Registered Nursing.

(2) Vocational nurse license issued by the Board of Vocational Nursing and Psychiatric Technicians of the State of California.

(3) Psychiatric technician license issued by the Board of Vocational Nursing and Psychiatric Technicians of the State of California.

(4) Speech-language pathologist license issued by the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board.

(5) Audiologist license issued by the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board.

(6) Veterinarian license issued by the Veterinary Medical Board.

(7) All licenses issued by the Board for Professional Engineers, Land Surveyors, and Geologists.

(8) All licenses issued by the Medical Board of California.

(9) *All licenses issued by the California Board of Podiatric Medicine.*

(b) The board may conduct an investigation of an applicant for purposes of denying or revoking a temporary license issued pursuant to this section. This investigation may include a criminal background check.

(c) An applicant seeking a temporary license pursuant to this section shall meet the following requirements:

(1) The applicant shall supply evidence satisfactory to the board that the applicant is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces

1 of the United States who is assigned to a duty station in this state
2 under official active duty military orders.

3 (2) The applicant shall hold a current, active, and unrestricted
4 license that confers upon him or her the authority to practice, in
5 another state, district, or territory of the United States, the
6 profession or vocation for which he or she seeks a temporary
7 license from the board.

8 (3) The applicant shall submit an application to the board that
9 shall include a signed affidavit attesting to the fact that he or she
10 meets all of the requirements for the temporary license and that
11 the information submitted in the application is accurate, to the best
12 of his or her knowledge. The application shall also include written
13 verification from the applicant's original licensing jurisdiction
14 stating that the applicant's license is in good standing in that
15 jurisdiction.

16 (4) The applicant shall not have committed an act in any
17 jurisdiction that would have constituted grounds for denial,
18 suspension, or revocation of the license under this code at the time
19 the act was committed. A violation of this paragraph may be
20 grounds for the denial or revocation of a temporary license issued
21 by the board.

22 (5) The applicant shall not have been disciplined by a licensing
23 entity in another jurisdiction and shall not be the subject of an
24 unresolved complaint, review procedure, or disciplinary proceeding
25 conducted by a licensing entity in another jurisdiction.

26 (6) The applicant shall, upon request by a board, furnish a full
27 set of fingerprints for purposes of conducting a criminal
28 background check.

29 (d) A board may adopt regulations necessary to administer this
30 section.

31 (e) A temporary license issued pursuant to this section may be
32 immediately terminated upon a finding that the temporary
33 licenseholder failed to meet any of the requirements described in
34 subdivision (c) or provided substantively inaccurate information
35 that would affect his or her eligibility for temporary licensure.
36 Upon termination of the temporary license, the board shall issue
37 a notice of termination that shall require the temporary
38 licenseholder to immediately cease the practice of the licensed
39 profession upon receipt.

(f) An applicant seeking a temporary license as a civil engineer, geotechnical engineer, structural engineer, land surveyor, professional geologist, professional geophysicist, certified engineering geologist, or certified hydrogeologist pursuant to this section shall successfully pass the appropriate California-specific examination or examinations required for licensure in those respective professions by the Board for Professional Engineers, Land Surveyors, and Geologists.

(g) A temporary license issued pursuant to this section shall expire 12 months after issuance, upon issuance of an expedited license pursuant to Section 115.5, or upon denial of the application for expedited licensure by the board, whichever occurs first.

SEC. 3. Section 144 of the Business and Professions Code is amended to read:

144. (a) Notwithstanding any other provision of law, an agency designated in subdivision (b) shall require an applicant to furnish to the agency a full set of fingerprints for purposes of conducting criminal history record checks. Any agency designated in subdivision (b) may obtain and receive, at its discretion, criminal history information from the Department of Justice and the United States Federal Bureau of Investigation.

(b) Subdivision (a) applies to the following:

- (1) California Board of Accountancy.
- (2) State Athletic Commission.
- (3) Board of Behavioral Sciences.
- (4) Court Reporters Board of California.
- (5) State Board of Guide Dogs for the Blind.
- (6) California State Board of Pharmacy.
- (7) Board of Registered Nursing.
- (8) Veterinary Medical Board.
- (9) Board of Vocational Nursing and Psychiatric Technicians.
- (10) Respiratory Care Board of California.
- (11) Physical Therapy Board of California.
- (12) Physician Assistant Committee of the Medical Board of California.
- (13) Speech-Language Pathology and Audiology and Hearing Aid Dispenser Board.
- (14) Medical Board of California.
- (15) State Board of Optometry.
- (16) Acupuncture Board.

- 1 (17) Cemetery and Funeral Bureau.
2 (18) Bureau of Security and Investigative Services.
3 (19) Division of Investigation.
4 (20) Board of Psychology.
5 (21) California Board of Occupational Therapy.
6 (22) Structural Pest Control Board.
7 (23) Contractors' State License Board.
8 (24) Naturopathic Medicine Committee.
9 (25) Professional Fiduciaries Bureau.
10 (26) Board for Professional Engineers, Land Surveyors, and
11 Geologists.
12 (27) Bureau of Medical Marijuana Regulation.
13 (28) *California Board of Podiatric Medicine*.

14 (c) For purposes of paragraph (26) of subdivision (b), the term
15 "applicant" shall be limited to an initial applicant who has never
16 been registered or licensed by the board or to an applicant for a
17 new licensure or registration category.

18 *SEC. 4. Section 146 of the Business and Professions Code is*
19 *amended to read:*

20 146. (a) Notwithstanding any other provision of law, a
21 violation of any code section listed in subdivision (c) is an
22 infraction subject to the procedures described in Sections 19.6 and
23 19.7 of the Penal Code when either of the following applies:

24 (1) A complaint or a written notice to appear in court pursuant
25 to Chapter 5c (commencing with Section 853.5) of Title 3 of Part
26 2 of the Penal Code is filed in court charging the offense as an
27 infraction unless the defendant, at the time he or she is arraigned,
28 after being advised of his or her rights, elects to have the case
29 proceed as a misdemeanor.

30 (2) The court, with the consent of the defendant and the
31 prosecution, determines that the offense is an infraction in which
32 event the case shall proceed as if the defendant has been arraigned
33 on an infraction complaint.

34 (b) Subdivision (a) does not apply to a violation of the code
35 sections listed in subdivision (c) if the defendant has had his or
36 her license, registration, or certificate previously revoked or
37 suspended.

38 (c) The following sections require registration, licensure,
39 certification, or other authorization in order to engage in certain
40 businesses or professions regulated by this code:

- 1 ~~(1)~~
- 2 (1) *Section 1474.*
- 3 (2) Sections 2052 and 2054.
- 4 ~~(2)~~
- 5 (3) Section 2630.
- 6 ~~(3)~~
- 7 (4) Section 2903.
- 8 ~~(4)~~
- 9 (5) Section 3575.
- 10 ~~(5)~~
- 11 (6) Section 3660.
- 12 ~~(6)~~
- 13 (7) Sections 3760 and 3761.
- 14 ~~(7)~~
- 15 (8) Section 4080.
- 16 ~~(8)~~
- 17 (9) Section 4825.
- 18 ~~(9)~~
- 19 (10) Section 4935.
- 20 ~~(10)~~
- 21 (11) Section 4980.
- 22 ~~(11)~~
- 23 (12) Section 4989.50.
- 24 ~~(12)~~
- 25 (13) Section 4996.
- 26 ~~(13)~~
- 27 (14) Section 4999.30.
- 28 ~~(14)~~
- 29 (15) Section 5536.
- 30 ~~(15)~~
- 31 (16) Section 6704.
- 32 ~~(16)~~
- 33 (17) Section 6980.10.
- 34 ~~(17)~~
- 35 (18) Section 7317.
- 36 ~~(18)~~
- 37 (19) Section 7502 or 7592.
- 38 ~~(19)~~
- 39 (20) Section 7520.
- 40 ~~(20)~~

1 (21) Section 7617 or 7641.

2 ~~(21)~~

3 (22) Subdivision (a) of Section 7872.

4 ~~(22)~~

5 (23) Section 8016.

6 ~~(23)~~

7 (24) Section 8505.

8 ~~(24)~~

9 (25) Section 8725.

10 ~~(25)~~

11 (26) Section 9681.

12 ~~(26)~~

13 (27) Section 9840.

14 ~~(27)~~

15 (28) Subdivision (c) of Section 9891.24.

16 ~~(28)~~

17 (29) Section 19049.

18 (d) Notwithstanding any other law, a violation of any of the
19 sections listed in subdivision (c), which is an infraction, is
20 punishable by a fine of not less than two hundred fifty dollars
21 (\$250) and not more than one thousand dollars (\$1,000). No portion
22 of the minimum fine may be suspended by the court unless as a
23 condition of that suspension the defendant is required to submit
24 proof of a current valid license, registration, or certificate for the
25 profession or vocation that was the basis for his or her conviction.

26 *SEC. 5. Section 651 of the Business and Professions Code is*
27 *amended to read:*

28 651. (a) It is unlawful for any person licensed under this
29 division or under any initiative act referred to in this division to
30 disseminate or cause to be disseminated any form of public
31 communication containing a false, fraudulent, misleading, or
32 deceptive statement, claim, or image for the purpose of or likely
33 to induce, directly or indirectly, the rendering of professional
34 services or furnishing of products in connection with the
35 professional practice or business for which he or she is licensed.
36 A “public communication” as used in this section includes, but is
37 not limited to, communication by means of mail, television, radio,
38 motion picture, newspaper, book, list or directory of healing arts
39 practitioners, Internet, or other electronic communication.

(b) A false, fraudulent, misleading, or deceptive statement, claim, or image includes a statement or claim that does any of the following:

(1) Contains a misrepresentation of fact.

(2) Is likely to mislead or deceive because of a failure to disclose material facts.

(3) (A) Is intended or is likely to create false or unjustified expectations of favorable results, including the use of any photograph or other image that does not accurately depict the results of the procedure being advertised or that has been altered in any manner from the image of the actual subject depicted in the photograph or image.

(B) Use of any photograph or other image of a model without clearly stating in a prominent location in easily readable type the fact that the photograph or image is of a model is a violation of subdivision (a). For purposes of this paragraph, a model is anyone other than an actual patient, who has undergone the procedure being advertised, of the licensee who is advertising for his or her services.

(C) Use of any photograph or other image of an actual patient that depicts or purports to depict the results of any procedure, or presents “before” and “after” views of a patient, without specifying in a prominent location in easily readable type size what procedures were performed on that patient is a violation of subdivision (a). Any “before” and “after” views (i) shall be comparable in presentation so that the results are not distorted by favorable poses, lighting, or other features of presentation, and (ii) shall contain a statement that the same “before” and “after” results may not occur for all patients.

(4) Relates to fees, other than a standard consultation fee or a range of fees for specific types of services, without fully and specifically disclosing all variables and other material factors.

(5) Contains other representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

(6) Makes a claim either of professional superiority or of performing services in a superior manner, unless that claim is relevant to the service being performed and can be substantiated with objective scientific evidence.

1 (7) Makes a scientific claim that cannot be substantiated by
2 reliable, peer reviewed, published scientific studies.

3 (8) Includes any statement, endorsement, or testimonial that is
4 likely to mislead or deceive because of a failure to disclose material
5 facts.

6 (c) Any price advertisement shall be exact, without the use of
7 phrases, including, but not limited to, “as low as,” “and up,”
8 “lowest prices,” or words or phrases of similar import. Any
9 advertisement that refers to services, or costs for services, and that
10 uses words of comparison shall be based on verifiable data
11 substantiating the comparison. Any person so advertising shall be
12 prepared to provide information sufficient to establish the accuracy
13 of that comparison. Price advertising shall not be fraudulent,
14 deceitful, or misleading, including statements or advertisements
15 of bait, discount, premiums, gifts, or any statements of a similar
16 nature. In connection with price advertising, the price for each
17 product or service shall be clearly identifiable. The price advertised
18 for products shall include charges for any related professional
19 services, including dispensing and fitting services, unless the
20 advertisement specifically and clearly indicates otherwise.

21 (d) Any person so licensed shall not compensate or give anything
22 of value to a representative of the press, radio, television, or other
23 communication medium in anticipation of, or in return for,
24 professional publicity unless the fact of compensation is made
25 known in that publicity.

26 (e) Any person so licensed may not use any professional card,
27 professional announcement card, office sign, letterhead, telephone
28 directory listing, medical list, medical directory listing, or a similar
29 professional notice or device if it includes a statement or claim
30 that is false, fraudulent, misleading, or deceptive within the
31 meaning of subdivision (b).

32 (f) Any person so licensed who violates this section is guilty of
33 a misdemeanor. A bona fide mistake of fact shall be a defense to
34 this subdivision, but only to this subdivision.

35 (g) Any violation of this section by a person so licensed shall
36 constitute good cause for revocation or suspension of his or her
37 license or other disciplinary action.

38 (h) Advertising by any person so licensed may include the
39 following:

40 (1) A statement of the name of the practitioner.

1 (2) A statement of addresses and telephone numbers of the
2 offices maintained by the practitioner.

3 (3) A statement of office hours regularly maintained by the
4 practitioner.

5 (4) A statement of languages, other than English, fluently spoken
6 by the practitioner or a person in the practitioner's office.

7 (5) (A) A statement that the practitioner is certified by a private
8 or public board or agency or a statement that the practitioner limits
9 his or her practice to specific fields.

10 (B) A statement of certification by a practitioner licensed under
11 Chapter 7 (commencing with Section 3000) shall only include a
12 statement that he or she is certified or eligible for certification by
13 a private or public board or parent association recognized by that
14 practitioner's licensing board.

15 (C) A physician and surgeon licensed under Chapter 5
16 (commencing with Section 2000) by the Medical Board of
17 California may include a statement that he or she limits his or her
18 practice to specific fields, but shall not include a statement that he
19 or she is certified or eligible for certification by a private or public
20 board or parent association, including, but not limited to, a
21 multidisciplinary board or association, unless that board or
22 association is (i) an American Board of Medical Specialties
23 member board, (ii) a board or association with equivalent
24 requirements approved by that physician and surgeon's licensing
25 board, or (iii) a board or association with an Accreditation Council
26 for Graduate Medical Education approved postgraduate training
27 program that provides complete training in that specialty or
28 subspecialty. A physician and surgeon licensed under Chapter 5
29 (commencing with Section 2000) by the Medical Board of
30 California who is certified by an organization other than a board
31 or association referred to in clause (i), (ii), or (iii) shall not use the
32 term "board certified" in reference to that certification, unless the
33 physician and surgeon is also licensed under Chapter 4
34 (commencing with Section 1600) and the use of the term "board
35 certified" in reference to that certification is in accordance with
36 subparagraph (A). A physician and surgeon licensed under Chapter
37 5 (commencing with Section 2000) by the Medical Board of
38 California who is certified by a board or association referred to in
39 clause (i), (ii), or (iii) shall not use the term "board certified" unless
40 the full name of the certifying board is also used and given

1 comparable prominence with the term “board certified” in the
2 statement.

3 For purposes of this subparagraph, a “multidisciplinary board
4 or association” means an educational certifying body that has a
5 psychometrically valid testing process, as determined by the
6 Medical Board of California, for certifying medical doctors and
7 other health care professionals that is based on the applicant’s
8 education, training, and experience.

9 For purposes of the term “board certified,” as used in this
10 subparagraph, the terms “board” and “association” mean an
11 organization that is an American Board of Medical Specialties
12 member board, an organization with equivalent requirements
13 approved by a physician and surgeon’s licensing board, or an
14 organization with an Accreditation Council for Graduate Medical
15 Education approved postgraduate training program that provides
16 complete training in a specialty or subspecialty.

17 The Medical Board of California shall adopt regulations to
18 establish and collect a reasonable fee from each board or
19 association applying for recognition pursuant to this subparagraph.
20 The fee shall not exceed the cost of administering this
21 subparagraph. Notwithstanding Section 2 of Chapter 1660 of the
22 Statutes of 1990, this subparagraph shall become operative July
23 1, 1993. However, an administrative agency or accrediting
24 organization may take any action contemplated by this
25 subparagraph relating to the establishment or approval of specialist
26 requirements on and after January 1, 1991.

27 (D) A doctor of podiatric medicine licensed under Chapter 5
28 ~~(commencing with Section 2000) by the Medical Board of~~
29 ~~California 3.5 (commencing with Section 1460) by the California~~
30 ~~Board of Podiatric Medicine~~ may include a statement that he or
31 she is certified or eligible or qualified for certification by a private
32 or public board or parent association, including, but not limited
33 to, a multidisciplinary board or association, if that board or
34 association meets one of the following requirements: (i) is approved
35 by the Council on Podiatric Medical Education, (ii) is a board or
36 association with equivalent requirements approved by the
37 California Board of Podiatric Medicine, or (iii) is a board or
38 association with the Council on Podiatric Medical Education
39 approved postgraduate training programs that provide training in
40 podiatric medicine and podiatric surgery. A doctor of podiatric

1 medicine licensed under Chapter ~~5 (commencing with Section~~
2 ~~2000) by the Medical Board of California~~ 3.5 (*commencing with*
3 *Section 1460*) by the California Board of Podiatric Medicine who
4 is certified by a board or association referred to in clause (i), (ii),
5 or (iii) shall not use the term “board certified” unless the full name
6 of the certifying board is also used and given comparable
7 prominence with the term “board certified” in the statement. A
8 doctor of podiatric medicine licensed under Chapter ~~5~~
9 (~~commencing with Section 2000~~) by the Medical Board of
10 California 3.5 (*commencing with Section 1460*) by the California
11 Board of Podiatric Medicine who is certified by an organization
12 other than a board or association referred to in clause (i), (ii), or
13 (iii) shall not use the term “board certified” in reference to that
14 certification.

15 For purposes of this subparagraph, a “multidisciplinary board
16 or association” means an educational certifying body that has a
17 psychometrically valid testing process, as determined by the
18 California Board of Podiatric Medicine, for certifying doctors of
19 podiatric medicine that is based on the applicant’s education,
20 training, and experience. For purposes of the term “board certified,”
21 as used in this subparagraph, the terms “board” and “association”
22 mean an organization that is a Council on Podiatric Medical
23 Education approved board, an organization with equivalent
24 requirements approved by the California Board of Podiatric
25 Medicine, or an organization with a Council on Podiatric Medical
26 Education approved postgraduate training program that provides
27 training in podiatric medicine and podiatric surgery.

28 The California Board of Podiatric Medicine shall adopt
29 regulations to establish and collect a reasonable fee from each
30 board or association applying for recognition pursuant to this
31 subparagraph, to be deposited in the State Treasury in the Podiatry
32 Fund, pursuant to Section ~~2499~~ 1499. The fee shall not exceed
33 the cost of administering this subparagraph.

34 (6) A statement that the practitioner provides services under a
35 specified private or public insurance plan or health care plan.

36 (7) A statement of names of schools and postgraduate clinical
37 training programs from which the practitioner has graduated,
38 together with the degrees received.

39 (8) A statement of publications authored by the practitioner.

1 (9) A statement of teaching positions currently or formerly held
2 by the practitioner, together with pertinent dates.

3 (10) A statement of his or her affiliations with hospitals or
4 clinics.

5 (11) A statement of the charges or fees for services or
6 commodities offered by the practitioner.

7 (12) A statement that the practitioner regularly accepts
8 installment payments of fees.

9 (13) Otherwise lawful images of a practitioner, his or her
10 physical facilities, or of a commodity to be advertised.

11 (14) A statement of the manufacturer, designer, style, make,
12 trade name, brand name, color, size, or type of commodities
13 advertised.

14 (15) An advertisement of a registered dispensing optician may
15 include statements in addition to those specified in paragraphs (1)
16 to (14), inclusive, provided that any statement shall not violate
17 subdivision (a), (b), (c), or (e) or any other section of this code.

18 (16) A statement, or statements, providing public health
19 information encouraging preventative or corrective care.

20 (17) Any other item of factual information that is not false,
21 fraudulent, misleading, or likely to deceive.

22 (i) Each of the healing arts boards and examining committees
23 within Division 2 shall adopt appropriate regulations to enforce
24 this section in accordance with Chapter 3.5 (commencing with
25 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
26 Code.

27 Each of the healing arts boards and committees and examining
28 committees within Division 2 shall, by regulation, define those
29 efficacious services to be advertised by businesses or professions
30 under their jurisdiction for the purpose of determining whether
31 advertisements are false or misleading. Until a definition for that
32 service has been issued, no advertisement for that service shall be
33 disseminated. However, if a definition of a service has not been
34 issued by a board or committee within 120 days of receipt of a
35 request from a licensee, all those holding the license may advertise
36 the service. Those boards and committees shall adopt or modify
37 regulations defining what services may be advertised, the manner
38 in which defined services may be advertised, and restricting
39 advertising that would promote the inappropriate or excessive use
40 of health services or commodities. A board or committee shall not,

1 by regulation, unreasonably prevent truthful, nondeceptive price
2 or otherwise lawful forms of advertising of services or
3 commodities, by either outright prohibition or imposition of
4 onerous disclosure requirements. However, any member of a board
5 or committee acting in good faith in the adoption or enforcement
6 of any regulation shall be deemed to be acting as an agent of the
7 state.

8 (j) The Attorney General shall commence legal proceedings in
9 the appropriate forum to enjoin advertisements disseminated or
10 about to be disseminated in violation of this section and seek other
11 appropriate relief to enforce this section. Notwithstanding any
12 other provision of law, the costs of enforcing this section to the
13 respective licensing boards or committees may be awarded against
14 any licensee found to be in violation of any provision of this
15 section. This shall not diminish the power of district attorneys,
16 county counsels, or city attorneys pursuant to existing law to seek
17 appropriate relief.

18 (k) A physician and surgeon ~~or doctor of podiatric medicine~~
19 licensed pursuant to Chapter 5 (commencing with Section 2000)
20 by the Medical Board of California *or a doctor of podiatric*
21 *medicine licensed pursuant to Chapter 3.5 (commencing with*
22 *Section 1460) by the California Board of Podiatric Medicine* who
23 knowingly and intentionally violates this section may be cited and
24 assessed an administrative fine not to exceed ten thousand dollars
25 (\$10,000) per event. Section 125.9 shall govern the issuance of
26 this citation and fine except that the fine limitations prescribed in
27 paragraph (3) of subdivision (b) of Section 125.9 shall not apply
28 to a fine under this subdivision.

29 *SEC. 6. Section 656 of the Business and Professions Code is*
30 *amended to read:*

31 656. Whenever any person has engaged, or is about to engage,
32 in any acts or practices that constitute, or will constitute, a violation
33 of this article, the superior court in and for the county wherein the
34 acts or practices take place, or are about to take place, may issue
35 an injunction, or other appropriate order, restraining the conduct
36 on application of the State Board of Optometry, the Medical Board
37 of California, *the California Board of Podiatric Medicine*, the
38 Osteopathic Medical Board of California, the Attorney General,
39 or the district attorney of the county.

1 The proceedings under this section shall be governed by Chapter
2 3 (commencing with Section 525) of Title 7 of Part 2 of the Code
3 of Civil Procedure.

4 The remedy provided for in this section shall be in addition to,
5 and not a limitation upon, the authority provided by any other
6 provision of this code.

7 *SEC. 7. Section 683 of the Business and Professions Code is*
8 *amended to read:*

9 683. (a) A board shall report, within 10 working days, to the
10 State Department of Health Care Services the name and license
11 number of a person whose license has been revoked, suspended,
12 surrendered, made inactive by the licensee, or placed in another
13 category that prohibits the licensee from practicing his or her
14 profession. The purpose of the reporting requirement is to prevent
15 reimbursement by the state for Medi-Cal and Denti-Cal services
16 provided after the cancellation of a provider's professional license.

17 (b) "Board," as used in this section, means the Dental Board of
18 California, the Medical Board of California, the Board of
19 Psychology, the State Board of Optometry, the California State
20 Board of Pharmacy, the Osteopathic Medical Board of California,
21 the State Board of Chiropractic Examiners, the Board of Behavioral
22 Sciences, *the California Board of Podiatric Medicine*, and the
23 California Board of Occupational Therapy.

24 ~~(c) This section shall become operative on January 1, 2015.~~

25 *SEC. 8. Section 800 of the Business and Professions Code is*
26 *amended to read:*

27 800. (a) The Medical Board of California, *the California Board*
28 *of Podiatric Medicine*, the Board of Psychology, the Dental Board
29 of California, the Dental Hygiene Committee of California, the
30 Osteopathic Medical Board of California, the State Board of
31 Chiropractic Examiners, the Board of Registered Nursing, the
32 Board of Vocational Nursing and Psychiatric Technicians of the
33 State of California, the State Board of Optometry, the Veterinary
34 Medical Board, the Board of Behavioral Sciences, the Physical
35 Therapy Board of California, the California State Board of
36 Pharmacy, the Speech-Language Pathology and Audiology and
37 Hearing Aid Dispensers Board, the California Board of
38 Occupational Therapy, the Acupuncture Board, and the Physician
39 Assistant Board shall each separately create and maintain a central
40 file of the names of all persons who hold a license, certificate, or

1 similar authority from that board. Each central file shall be created
2 and maintained to provide an individual historical record for each
3 licensee with respect to the following information:

4 (1) Any conviction of a crime in this or any other state that
5 constitutes unprofessional conduct pursuant to the reporting
6 requirements of Section 803.

7 (2) Any judgment or settlement requiring the licensee or his or
8 her insurer to pay any amount of damages in excess of three
9 thousand dollars (\$3,000) for any claim that injury or death was
10 proximately caused by the licensee's negligence, error or omission
11 in practice, or by rendering unauthorized professional services,
12 pursuant to the reporting requirements of Section 801 or 802.

13 (3) Any public complaints for which provision is made pursuant
14 to subdivision (b).

15 (4) Disciplinary information reported pursuant to Section 805,
16 including any additional exculpatory or explanatory statements
17 submitted by the licensee pursuant to subdivision (f) of Section
18 805. If a court finds, in a final judgment, that the peer review
19 resulting in the 805 report was conducted in bad faith and the
20 licensee who is the subject of the report notifies the board of that
21 finding, the board shall include that finding in the central file. For
22 purposes of this paragraph, "peer review" has the same meaning
23 as defined in Section 805.

24 (5) Information reported pursuant to Section 805.01, including
25 any explanatory or exculpatory information submitted by the
26 licensee pursuant to subdivision (b) of that section.

27 (b) (1) Each board shall prescribe and promulgate forms on
28 which members of the public and other licensees or certificate
29 holders may file written complaints to the board alleging any act
30 of misconduct in, or connected with, the performance of
31 professional services by the licensee.

32 (2) If a board, or division thereof, a committee, or a panel has
33 failed to act upon a complaint or report within five years, or has
34 found that the complaint or report is without merit, the central file
35 shall be purged of information relating to the complaint or report.

36 (3) Notwithstanding this subdivision, the Board of Psychology,
37 the Board of Behavioral Sciences, and the Respiratory Care Board
38 of California shall maintain complaints or reports as long as each
39 board deems necessary.

(c) (1) The contents of any central file that are not public records under any other provision of law shall be confidential except that the licensee involved, or his or her counsel or representative, shall have the right to inspect and have copies made of his or her complete file except for the provision that may disclose the identity of an information source. For the purposes of this section, a board may protect an information source by providing a copy of the material with only those deletions necessary to protect the identity of the source or by providing a comprehensive summary of the substance of the material. Whichever method is used, the board shall ensure that full disclosure is made to the subject of any personal information that could reasonably in any way reflect or convey anything detrimental, disparaging, or threatening to a licensee's reputation, rights, benefits, privileges, or qualifications, or be used by a board to make a determination that would affect a licensee's rights, benefits, privileges, or qualifications. The information required to be disclosed pursuant to Section 803.1 shall not be considered among the contents of a central file for the purposes of this subdivision.

(2) The licensee may, but is not required to, submit any additional exculpatory or explanatory statement or other information that the board shall include in the central file.

(3) Each board may permit any law enforcement or regulatory agency when required for an investigation of unlawful activity or for licensing, certification, or regulatory purposes to inspect and have copies made of that licensee's file, unless the disclosure is otherwise prohibited by law.

(4) These disclosures shall effect no change in the confidential status of these records.

SEC. 9. Section 805 of the Business and Professions Code is amended to read:

805. (a) As used in this section, the following terms have the following definitions:

(1) (A) "Peer review" means both of the following:

(i) A process in which a peer review body reviews the basic qualifications, staff privileges, employment, medical outcomes, or professional conduct of licentiates to make recommendations for quality improvement and education, if necessary, in order to do either or both of the following:

1 (I) Determine whether a licentiate may practice or continue to
2 practice in a health care facility, clinic, or other setting providing
3 medical services, and, if so, to determine the parameters of that
4 practice.

5 (II) Assess and improve the quality of care rendered in a health
6 care facility, clinic, or other setting providing medical services.

7 (ii) Any other activities of a peer review body as specified in
8 subparagraph (B).

9 (B) “Peer review body” includes:

10 (i) A medical or professional staff of any health care facility or
11 clinic licensed under Division 2 (commencing with Section 1200)
12 of the Health and Safety Code or of a facility certified to participate
13 in the federal Medicare program as an ambulatory surgical center.

14 (ii) A health care service plan licensed under Chapter 2.2
15 (commencing with Section 1340) of Division 2 of the Health and
16 Safety Code or a disability insurer that contracts with licentiates
17 to provide services at alternative rates of payment pursuant to
18 Section 10133 of the Insurance Code.

19 (iii) Any medical, psychological, marriage and family therapy,
20 social work, professional clinical counselor, dental, or podiatric
21 professional society having as members at least 25 percent of the
22 eligible licentiates in the area in which it functions (which must
23 include at least one county), which is not organized for profit and
24 which has been determined to be exempt from taxes pursuant to
25 Section 23701 of the Revenue and Taxation Code.

26 (iv) A committee organized by any entity consisting of or
27 employing more than 25 licentiates of the same class that functions
28 for the purpose of reviewing the quality of professional care
29 provided by members or employees of that entity.

30 (2) “Licentiate” means a physician and surgeon, doctor of
31 podiatric medicine, clinical psychologist, marriage and family
32 therapist, clinical social worker, professional clinical counselor,
33 dentist, or physician assistant. “Licentiate” also includes a person
34 authorized to practice medicine pursuant to Section 2113 or 2168.

35 (3) “Agency” means the relevant state licensing agency having
36 regulatory jurisdiction over the licentiates listed in paragraph (2).

37 (4) “Staff privileges” means any arrangement under which a
38 licentiate is allowed to practice in or provide care for patients in
39 a health facility. Those arrangements shall include, but are not
40 limited to, full staff privileges, active staff privileges, limited staff

1 privileges, auxiliary staff privileges, provisional staff privileges,
2 temporary staff privileges, courtesy staff privileges, locum tenens
3 arrangements, and contractual arrangements to provide professional
4 services, including, but not limited to, arrangements to provide
5 outpatient services.

6 (5) “Denial or termination of staff privileges, membership, or
7 employment” includes failure or refusal to renew a contract or to
8 renew, extend, or reestablish any staff privileges, if the action is
9 based on medical disciplinary cause or reason.

10 (6) “Medical disciplinary cause or reason” means that aspect
11 of a licentiate’s competence or professional conduct that is
12 reasonably likely to be detrimental to patient safety or to the
13 delivery of patient care.

14 (7) “805 report” means the written report required under
15 subdivision (b).

16 (b) The chief of staff of a medical or professional staff or other
17 chief executive officer, medical director, or administrator of any
18 peer review body and the chief executive officer or administrator
19 of any licensed health care facility or clinic shall file an 805 report
20 with the relevant agency within 15 days after the effective date on
21 which any of the following occur as a result of an action of a peer
22 review body:

23 (1) A licentiate’s application for staff privileges or membership
24 is denied or rejected for a medical disciplinary cause or reason.

25 (2) A licentiate’s membership, staff privileges, or employment
26 is terminated or revoked for a medical disciplinary cause or reason.

27 (3) Restrictions are imposed, or voluntarily accepted, on staff
28 privileges, membership, or employment for a cumulative total of
29 30 days or more for any 12-month period, for a medical disciplinary
30 cause or reason.

31 (c) If a licentiate takes any action listed in paragraph (1), (2),
32 or (3) after receiving notice of a pending investigation initiated
33 for a medical disciplinary cause or reason or after receiving notice
34 that his or her application for membership or staff privileges is
35 denied or will be denied for a medical disciplinary cause or reason,
36 the chief of staff of a medical or professional staff or other chief
37 executive officer, medical director, or administrator of any peer
38 review body and the chief executive officer or administrator of
39 any licensed health care facility or clinic where the licentiate is
40 employed or has staff privileges or membership or where the

1 licentiate applied for staff privileges or membership, or sought the
2 renewal thereof, shall file an 805 report with the relevant agency
3 within 15 days after the licentiate takes the action.

4 (1) Resigns or takes a leave of absence from membership, staff
5 privileges, or employment.

6 (2) Withdraws or abandons his or her application for staff
7 privileges or membership.

8 (3) Withdraws or abandons his or her request for renewal of
9 staff privileges or membership.

10 (d) For purposes of filing an 805 report, the signature of at least
11 one of the individuals indicated in subdivision (b) or (c) on the
12 completed form shall constitute compliance with the requirement
13 to file the report.

14 (e) An 805 report shall also be filed within 15 days following
15 the imposition of summary suspension of staff privileges,
16 membership, or employment, if the summary suspension remains
17 in effect for a period in excess of 14 days.

18 (f) A copy of the 805 report, and a notice advising the licentiate
19 of his or her right to submit additional statements or other
20 information, electronically or otherwise, pursuant to Section 800,
21 shall be sent by the peer review body to the licentiate named in
22 the report. The notice shall also advise the licentiate that
23 information submitted electronically will be publicly disclosed to
24 those who request the information.

25 The information to be reported in an 805 report shall include the
26 name and license number of the licentiate involved, a description
27 of the facts and circumstances of the medical disciplinary cause
28 or reason, and any other relevant information deemed appropriate
29 by the reporter.

30 A supplemental report shall also be made within 30 days
31 following the date the licentiate is deemed to have satisfied any
32 terms, conditions, or sanctions imposed as disciplinary action by
33 the reporting peer review body. In performing its dissemination
34 functions required by Section 805.5, the agency shall include a
35 copy of a supplemental report, if any, whenever it furnishes a copy
36 of the original 805 report.

37 If another peer review body is required to file an 805 report, a
38 health care service plan is not required to file a separate report
39 with respect to action attributable to the same medical disciplinary
40 cause or reason. If the Medical Board of California or a licensing

1 agency of another state revokes or suspends, without a stay, the
2 license of a physician and surgeon, a peer review body is not
3 required to file an 805 report when it takes an action as a result of
4 the revocation or suspension. *If the California Board of Podiatric*
5 *Medicine or a licensing agency of another state revokes or*
6 *suspends, without a stay, the license of a doctor of podiatric*
7 *medicine, a peer review body is not required to file an 805 report*
8 *when it takes an action as a result of the revocation or suspension.*

9 (g) The reporting required by this section shall not act as a
10 waiver of confidentiality of medical records and committee reports.
11 The information reported or disclosed shall be kept confidential
12 except as provided in subdivision (c) of Section 800 and Sections
13 803.1 and 2027, provided that a copy of the report containing the
14 information required by this section may be disclosed as required
15 by Section 805.5 with respect to reports received on or after
16 January 1, 1976.

17 (h) The Medical Board of California, *the California Board of*
18 *Podiatric Medicine*, the Osteopathic Medical Board of California,
19 and the Dental Board of California shall disclose reports as required
20 by Section 805.5.

21 (i) An 805 report shall be maintained electronically by an agency
22 for dissemination purposes for a period of three years after receipt.

23 (j) No person shall incur any civil or criminal liability as the
24 result of making any report required by this section.

25 (k) A willful failure to file an 805 report by any person who is
26 designated or otherwise required by law to file an 805 report is
27 punishable by a fine not to exceed one hundred thousand dollars
28 (\$100,000) per violation. The fine may be imposed in any civil or
29 administrative action or proceeding brought by or on behalf of any
30 agency having regulatory jurisdiction over the person regarding
31 whom the report was or should have been filed. If the person who
32 is designated or otherwise required to file an 805 report is a
33 licensed physician and surgeon, the action or proceeding shall be
34 brought by the Medical Board of California. *If the person who is*
35 *designated or otherwise required to file an 805 report is a licensed*
36 *doctor of podiatric medicine, the action or proceeding shall be*
37 *brought by the California Board of Podiatric Medicine.* The fine
38 shall be paid to that agency but not expended until appropriated
39 by the Legislature. A violation of this subdivision may constitute
40 unprofessional conduct by the licentiate. A person who is alleged

1 to have violated this subdivision may assert any defense available
2 at law. As used in this subdivision, “willful” means a voluntary
3 and intentional violation of a known legal duty.

4 (l) Except as otherwise provided in subdivision (k), any failure
5 by the administrator of any peer review body, the chief executive
6 officer or administrator of any health care facility, or any person
7 who is designated or otherwise required by law to file an 805
8 report, shall be punishable by a fine that under no circumstances
9 shall exceed fifty thousand dollars (\$50,000) per violation. The
10 fine may be imposed in any civil or administrative action or
11 proceeding brought by or on behalf of any agency having
12 regulatory jurisdiction over the person regarding whom the report
13 was or should have been filed. If the person who is designated or
14 otherwise required to file an 805 report is a licensed physician and
15 surgeon, the action or proceeding shall be brought by the Medical
16 Board of California. *If the person who is designated or otherwise*
17 *required to file an 805 report is a licensed doctor of podiatric*
18 *medicine, the action or proceeding shall be brought by the*
19 *California Board of Podiatric Medicine.* The fine shall be paid to
20 that agency but not expended until appropriated by the Legislature.
21 The amount of the fine imposed, not exceeding fifty thousand
22 dollars (\$50,000) per violation, shall be proportional to the severity
23 of the failure to report and shall differ based upon written findings,
24 including whether the failure to file caused harm to a patient or
25 created a risk to patient safety; whether the administrator of any
26 peer review body, the chief executive officer or administrator of
27 any health care facility, or any person who is designated or
28 otherwise required by law to file an 805 report exercised due
29 diligence despite the failure to file or whether they knew or should
30 have known that an 805 report would not be filed; and whether
31 there has been a prior failure to file an 805 report. The amount of
32 the fine imposed may also differ based on whether a health care
33 facility is a small or rural hospital as defined in Section 124840
34 of the Health and Safety Code.

35 (m) A health care service plan licensed under Chapter 2.2
36 (commencing with Section 1340) of Division 2 of the Health and
37 Safety Code or a disability insurer that negotiates and enters into
38 a contract with licentiates to provide services at alternative rates
39 of payment pursuant to Section 10133 of the Insurance Code, when
40 determining participation with the plan or insurer, shall evaluate,

1 on a case-by-case basis, licentiates who are the subject of an 805
2 report, and not automatically exclude or deselect these licentiates.

3 *SEC. 10. Section 805.1 of the Business and Professions Code*
4 *is amended to read:*

5 805.1. (a) The Medical Board of California, *the California*
6 *Board of Podiatric Medicine*, the Osteopathic Medical Board of
7 California, and the Dental Board of California shall be entitled to
8 inspect and copy the following documents in the record of any
9 disciplinary proceeding resulting in action that is required to be
10 reported pursuant to Section 805:

- 11 (1) Any statement of charges.
12 (2) Any document, medical chart, or exhibits in evidence.
13 (3) Any opinion, findings, or conclusions.
14 (4) Any certified copy of medical records, as permitted by other
15 applicable law.

16 (b) The information so disclosed shall be kept confidential and
17 not subject to discovery, in accordance with Section 800, except
18 that it may be reviewed, as provided in subdivision (c) of Section
19 800, and may be disclosed in any subsequent disciplinary hearing
20 conducted pursuant to the Administrative Procedure Act (Chapter
21 5 (commencing with Section 11500) of Part 1 of Division 3 of
22 Title 2 of the Government Code).

23 *SEC. 11. Section 805.5 of the Business and Professions Code*
24 *is amended to read:*

25 805.5. (a) Prior to granting or renewing staff privileges for
26 any physician and surgeon, psychologist, podiatrist, or dentist, any
27 health facility licensed pursuant to Division 2 (commencing with
28 Section 1200) of the Health and Safety Code, any health care
29 service plan or medical care foundation, the medical staff of the
30 institution, a facility certified to participate in the federal Medicare
31 Program as an ambulatory surgical center, or an outpatient setting
32 accredited pursuant to Section 1248.1 of the Health and Safety
33 Code shall request a report from the Medical Board of California,
34 the Board of Psychology, *the California Board of Podiatric*
35 *Medicine*, the Osteopathic Medical Board of California, or the
36 Dental Board of California to determine if any report has been
37 made pursuant to Section 805 indicating that the applying physician
38 and surgeon, psychologist, podiatrist, or dentist has been denied
39 staff privileges, been removed from a medical staff, or had his or
40 her staff privileges restricted as provided in Section 805. The

1 request shall include the name and California license number of
2 the physician and surgeon, psychologist, podiatrist, or dentist.
3 Furnishing of a copy of the 805 report shall not cause the 805
4 report to be a public record.

5 (b) Upon a request made by, or on behalf of, an institution
6 described in subdivision (a) or its medical staff the board shall
7 furnish a copy of any report made pursuant to Section 805 as well
8 as any additional exculpatory or explanatory information submitted
9 electronically to the board by the licensee pursuant to subdivision
10 (f) of that section. However, the board shall not send a copy of a
11 report (1) if the denial, removal, or restriction was imposed solely
12 because of the failure to complete medical records, (2) if the board
13 has found the information reported is without merit, (3) if a court
14 finds, in a final judgment, that the peer review, as defined in
15 Section 805, resulting in the report was conducted in bad faith and
16 the licensee who is the subject of the report notifies the board of
17 that finding, or (4) if a period of three years has elapsed since the
18 report was submitted. This three-year period shall be tolled during
19 any period the licensee has obtained a judicial order precluding
20 disclosure of the report, unless the board is finally and permanently
21 precluded by judicial order from disclosing the report. If a request
22 is received by the board while the board is subject to a judicial
23 order limiting or precluding disclosure, the board shall provide a
24 disclosure to any qualified requesting party as soon as practicable
25 after the judicial order is no longer in force.

26 If the board fails to advise the institution within 30 working days
27 following its request for a report required by this section, the
28 institution may grant or renew staff privileges for the physician
29 and surgeon, psychologist, podiatrist, or dentist.

30 (c) Any institution described in subdivision (a) or its medical
31 staff that violates subdivision (a) is guilty of a misdemeanor and
32 shall be punished by a fine of not less than two hundred dollars
33 (\$200) nor more than one thousand two hundred dollars (\$1,200).

34 *SEC. 12. Section 805.6 of the Business and Professions Code*
35 *is amended to read:*

36 805.6. (a) The Medical Board of California, the California
37 Board of Podiatric Medicine, the Osteopathic Medical Board, and
38 the Dental Board of California shall establish a system of electronic
39 notification that is either initiated by the board or can be accessed
40 by qualified subscribers, and that is designed to achieve early

1 notification to qualified recipients of the existence of new reports
2 that are filed pursuant to Section 805.

3 (b) The State Department of Health Services shall notify the
4 appropriate licensing agency of any reporting violations pursuant
5 to Section 805.

6 (c) The Department of Managed Health Care shall notify the
7 appropriate licensing agency of any reporting violations pursuant
8 to Section 805.

9 *SEC. 13. Section 810 of the Business and Professions Code is*
10 *amended to read:*

11 810. (a) It shall constitute unprofessional conduct and grounds
12 for disciplinary action, including suspension or revocation of a
13 license or certificate, for a health care professional to do any of
14 the following in connection with his or her professional activities:

15 (1) Knowingly present or cause to be presented any false or
16 fraudulent claim for the payment of a loss under a contract of
17 insurance.

18 (2) Knowingly prepare, make, or subscribe any writing, with
19 intent to present or use the same, or to allow it to be presented or
20 used in support of any false or fraudulent claim.

21 (b) It shall constitute cause for revocation or suspension of a
22 license or certificate for a health care professional to engage in
23 any conduct prohibited under Section 1871.4 of the Insurance Code
24 or Section 549 or 550 of the Penal Code.

25 (c) (1) It shall constitute cause for automatic suspension of a
26 license or certificate issued pursuant to *Chapter 3.5 (commencing*
27 *with Section 1460)*, Chapter 4 (commencing with Section 1600),
28 Chapter 5 (commencing with Section 2000), Chapter 6.6
29 (commencing with Section 2900), Chapter 7 (commencing with
30 Section 3000), or Chapter 9 (commencing with Section 4000), or
31 pursuant to the Chiropractic Act or the Osteopathic Act, if a
32 licensee or certificate holder has been convicted of any felony
33 involving fraud committed by the licensee or certificate holder in
34 conjunction with providing benefits covered by worker's
35 compensation insurance, or has been convicted of any felony
36 involving Medi-Cal fraud committed by the licensee or certificate
37 holder in conjunction with the Medi-Cal program, including the
38 Denti-Cal element of the Medi-Cal program, pursuant to Chapter
39 7 (commencing with Section 14000), or Chapter 8 (commencing
40 with Section 14200), of Part 3 of Division 9 of the Welfare and

1 Institutions Code. The board shall convene a disciplinary hearing
2 to determine whether or not the license or certificate shall be
3 suspended, revoked, or some other disposition shall be considered,
4 including, but not limited to, revocation with the opportunity to
5 petition for reinstatement, suspension, or other limitations on the
6 license or certificate as the board deems appropriate.

7 (2) It shall constitute cause for automatic suspension and for
8 revocation of a license or certificate issued pursuant to *Chapter*
9 *3.5 (commencing with Section 1460)*, Chapter 4 (commencing with
10 Section 1600), Chapter 5 (commencing with Section 2000), Chapter
11 6.6 (commencing with Section 2900), Chapter 7 (commencing
12 with Section 3000), or Chapter 9 (commencing with Section 4000),
13 or pursuant to the Chiropractic Act or the Osteopathic Act, if a
14 licensee or certificate holder has more than one conviction of any
15 felony arising out of separate prosecutions involving fraud
16 committed by the licensee or certificate holder in conjunction with
17 providing benefits covered by worker's compensation insurance,
18 or in conjunction with the Medi-Cal program, including the
19 Denti-Cal element of the Medi-Cal program pursuant to Chapter
20 7 (commencing with Section 14000), or Chapter 8 (commencing
21 with Section 14200), of Part 3 of Division 9 of the Welfare and
22 Institutions Code. The board shall convene a disciplinary hearing
23 to revoke the license or certificate and an order of revocation shall
24 be issued unless the board finds mitigating circumstances to order
25 some other disposition.

26 (3) It is the intent of the Legislature that paragraph (2) apply to
27 a licensee or certificate holder who has one or more convictions
28 prior to January 1, 2004, as provided in this subdivision.

29 (4) Nothing in this subdivision shall preclude a board from
30 suspending or revoking a license or certificate pursuant to any
31 other provision of law.

32 (5) "Board," as used in this subdivision, means the Dental Board
33 of California, the Medical Board of California, *the California*
34 *Board of Podiatric Medicine*, the Board of Psychology, the State
35 Board of Optometry, the California State Board of Pharmacy, the
36 Osteopathic Medical Board of California, and the State Board of
37 Chiropractic Examiners.

38 (6) "More than one conviction," as used in this subdivision,
39 means that the licensee or certificate holder has one or more
40 convictions prior to January 1, 2004, and at least one conviction

on or after that date, or the licensee or certificate holder has two or more convictions on or after January 1, 2004. However, a licensee or certificate holder who has one or more convictions prior to January 1, 2004, but who has no convictions and is currently licensed or holds a certificate after that date, does not have “more than one conviction” for the purposes of this subdivision.

(d) As used in this section, health care professional means any person licensed or certified pursuant to this division, or licensed pursuant to the Osteopathic Initiative Act, or the Chiropractic Initiative Act.

SEC. 14. Chapter 3.5 (commencing with Section 1460) is added to Division 2 of the Business and Professions Code, to read:

CHAPTER 3.5. PODIATRIC MEDICINE

1460. (a) There is created within the Department of Consumer Affairs a California Board of Podiatric Medicine.

(b) This section shall remain in effect only until January 1, 2017, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2017, deletes or extends that date. Notwithstanding any other provision of law, the repeal of this section renders the California Board of Podiatric Medicine subject to review by the appropriate policy committees of the Legislature.

1460.1. Protection of the public shall be the highest priority for the California Board of Podiatric Medicine in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.

1461. As used in this chapter:

(a) “Board” means the California Board of Podiatric Medicine.

(b) “Podiatric licensing authority” refers to any officer, board, commission, committee, or department of another state that may issue a license to practice podiatric medicine.

1462. The board shall consist of seven members, three of whom shall be public members. Not more than one member of the board shall be a full-time faculty member of a college or school of podiatric medicine.

The Governor shall appoint the four members qualified as provided in Section 2463 and one public member. The Senate Rules

1 *Committee and the Speaker of the Assembly shall each appoint a*
2 *public member.*

3 *1463. Each member of the board, except the public members,*
4 *shall be appointed from persons having all of the following*
5 *qualifications:*

6 *(a) Be a citizen of this state for at least five years next preceding*
7 *his or her appointment.*

8 *(b) Be a graduate of a recognized school or college of podiatric*
9 *medicine.*

10 *(c) Have a valid certificate to practice podiatric medicine in*
11 *this state.*

12 *(d) Have engaged in the practice of podiatric medicine in this*
13 *state for at least five years next preceding his or her appointment.*

14 *1464. The public members shall be appointed from persons*
15 *having all of the following qualifications:*

16 *(a) Be a citizen of this state for at least five years next preceding*
17 *his or her appointment.*

18 *(b) Shall not be an officer or faculty member of any college,*
19 *school, or other institution engaged in podiatric medical*
20 *instruction.*

21 *(c) Shall not be a licentiate of the board or of any board under*
22 *this division or of any board created by an initiative act under this*
23 *division.*

24 *1465. No person who directly or indirectly owns any interest*
25 *in any college, school, or other institution engaged in podiatric*
26 *medical instruction shall be appointed to the board nor shall any*
27 *incumbent member of the board have or acquire any interest, direct*
28 *or indirect, in any such college, school, or institution.*

29 *1466. All members of the board shall be appointed for terms*
30 *of four years. Vacancies shall immediately be filled by the*
31 *appointing power for the unexpired portion of the terms in which*
32 *they occur. No person shall serve as a member of the board for*
33 *more than two consecutive terms.*

34 *1467. (a) The board may convene from time to time as it deems*
35 *necessary.*

36 *(b) Four members of the board constitute a quorum for the*
37 *transaction of business at any meeting.*

38 *(c) It shall require the affirmative vote of a majority of those*
39 *members present at a meeting, those members constituting at least*
40 *a quorum, to pass any motion, resolution, or measure.*

1 (d) *The board shall annually elect one of its members to act as*
2 *president and a member to act as vice president who shall hold*
3 *their respective positions at the pleasure of the board. The*
4 *president may call meetings of the board and any duly appointed*
5 *committee at a specified time and place.*

6 1468. *Notice of each meeting of the board shall be given in*
7 *accordance with the Bagley-Keene Open Meeting Act (Article 9*
8 *(commencing with Section 11120) of Chapter 1 of Part 1 of*
9 *Division 3 of Title 2 of the Government Code).*

10 1469. *Each member of the board shall receive per diem and*
11 *expenses as provided in Section 2016.*

12 1470. *The board may adopt, amend, or repeal, in accordance*
13 *with the provisions of the Administrative Procedure Act (Chapter*
14 *3.5 (commencing with Section 11340) of Part 1 of Division 1 of*
15 *Title 2 of the Government Code), regulations necessary to enable*
16 *the board to carry into effect the provisions of law relating to the*
17 *practice of podiatric medicine.*

18 1471. *Except as provided by Section 159.5, the board may*
19 *employ, within the limits of the funds received by the board, all*
20 *personnel necessary to carry out this chapter and the provisions*
21 *of Chapter 5 (commencing with Section 2000) relating to podiatric*
22 *medicine.*

23 1472. (a) *The certificate to practice podiatric medicine*
24 *authorizes the holder to practice podiatric medicine.*

25 (b) *As used in this chapter, "podiatric medicine" means the*
26 *diagnosis, medical, surgical, mechanical, manipulative, and*
27 *electrical treatment of the human foot, including the ankle and*
28 *tendons that insert into the foot and the nonsurgical treatment of*
29 *the muscles and tendons of the leg governing the functions of the*
30 *foot.*

31 (c) *A doctor of podiatric medicine shall not administer an*
32 *anesthetic other than local. If an anesthetic other than local is*
33 *required for any procedure, the anesthetic shall be administered*
34 *by another licensed health care practitioner who is authorized to*
35 *administer the required anesthetic within the scope of his or her*
36 *practice.*

37 (d) (1) *A doctor of podiatric medicine may do the following:*

38 (A) *Perform surgical treatment of the ankle and tendons at the*
39 *level of the ankle pursuant to subdivision (e).*

1 (B) Perform services under the direct supervision of a physician
2 and surgeon, as an assistant at surgery, in surgical procedures
3 that are otherwise beyond the scope of practice of a doctor of
4 podiatric medicine.

5 (C) Perform a partial amputation of the foot no further proximal
6 than the Chopart's joint.

7 (2) Nothing in this subdivision shall be construed to permit a
8 doctor of podiatric medicine to function as a primary surgeon for
9 any procedure beyond his or her scope of practice.

10 (e) A doctor of podiatric medicine may perform surgical
11 treatment of the ankle and tendons at the level of the ankle only
12 in the following locations:

13 (1) A licensed general acute care hospital, as defined in Section
14 1250 of the Health and Safety Code.

15 (2) A licensed surgical clinic, as defined in Section 1204 of the
16 Health and Safety Code, if the doctor of podiatric medicine has
17 surgical privileges, including the privilege to perform surgery on
18 the ankle, in a general acute care hospital described in paragraph
19 (1) and meets all the protocols of the surgical clinic.

20 (3) An ambulatory surgical center that is certified to participate
21 in the Medicare program under Title XVIII (42 U.S.C. Sec. 1395
22 et seq.) of the federal Social Security Act, if the doctor of podiatric
23 medicine has surgical privileges, including the privilege to perform
24 surgery on the ankle, in a general acute care hospital described
25 in paragraph (1) and meets all the protocols of the surgical center.

26 (4) A freestanding physical plant housing outpatient services
27 of a licensed general acute care hospital, as defined in Section
28 1250 of the Health and Safety Code, if the doctor of podiatric
29 medicine has surgical privileges, including the privilege to perform
30 surgery on the ankle, in a general acute care hospital described
31 in paragraph (1). For purposes of this section, a "freestanding
32 physical plant" means any building that is not physically attached
33 to a building where inpatient services are provided.

34 (5) An outpatient setting accredited pursuant to subdivision (g)
35 of Section 1248.1 of the Health and Safety Code.

36 1474. Any person who uses in any sign or in any advertisement
37 or otherwise, the word or words "doctor of podiatric medicine,"
38 "doctor of podiatry," "podiatric doctor," "D.P.M.," "podiatrist,"
39 "foot specialist," or any other term or terms or any letters
40 indicating or implying that he or she is a doctor of podiatric

1 *medicine, or that he or she practices podiatric medicine, or holds*
2 *himself out as practicing podiatric medicine or foot correction as*
3 *defined in Section 1472, without having at the time of so doing a*
4 *valid, unrevoked, and unsuspended certificate as provided for in*
5 *this chapter or Chapter 5 (commencing with Section 2000), is*
6 *guilty of a misdemeanor.*

7 *2475. Unless otherwise provided by law, no postgraduate*
8 *trainee, intern, resident postdoctoral fellow, or instructor may*
9 *engage in the practice of podiatric medicine, or receive*
10 *compensation therefor, or offer to engage in the practice of*
11 *podiatric medicine unless he or she holds a valid, unrevoked, and*
12 *unsuspended certificate to practice podiatric medicine issued by*
13 *the board. However, a graduate of an approved college or school*
14 *of podiatric medicine upon whom the degree doctor of podiatric*
15 *medicine has been conferred, who is issued a resident's license,*
16 *which may be renewed annually for up to eight years for this*
17 *purpose by the board, and who is enrolled in a postgraduate*
18 *training program approved by the board, may engage in the*
19 *practice of podiatric medicine whenever and wherever required*
20 *as a part of that program and may receive compensation for that*
21 *practice under the following conditions:*

22 *(a) A graduate with a resident's license in an approved*
23 *internship, residency, or fellowship program may participate in*
24 *training rotations outside the scope of podiatric medicine, under*
25 *the supervision of a physician and surgeon who holds a medical*
26 *doctor or doctor of osteopathy degree wherever and whenever*
27 *required as a part of the training program, and may receive*
28 *compensation for that practice. If the graduate fails to receive a*
29 *license to practice podiatric medicine under this chapter within*
30 *three years from the commencement of the postgraduate training,*
31 *all privileges and exemptions under this section shall automatically*
32 *cease.*

33 *(b) Hospitals functioning as a part of the teaching program of*
34 *an approved college or school of podiatric medicine in this state*
35 *may exchange instructors or resident or assistant resident doctors*
36 *of podiatric medicine with another approved college or school of*
37 *podiatric medicine not located in this state, or those hospitals may*
38 *appoint a graduate of an approved school as such a resident for*
39 *purposes of postgraduate training. Those instructors and residents*
40 *may practice and be compensated as provided in this section, but*

1 *that practice and compensation shall be for a period not to exceed*
2 *two years.*

3 *1475.1. Before a resident's license may be issued, each*
4 *applicant shall show by evidence satisfactory to the board,*
5 *submitted directly to the board by the national score reporting*
6 *institution, that he or she has, within the past 10 years, passed*
7 *Parts I and II of the examination administered by the National*
8 *Board of Podiatric Medical Examiners of the United States or has*
9 *passed a written examination that is recognized by the board to*
10 *be the equivalent in content to the examination administered by*
11 *the National Board of Podiatric Medical Examiners of the United*
12 *States.*

13 *1475.2. As used in this chapter, "podiatric residency" means*
14 *a program of supervised postgraduate clinical training, one year*
15 *or more in duration, approved by the board.*

16 *1475.3. (a) The board shall approve podiatric residency*
17 *programs, as defined in Section 1475.2, in the field of podiatric*
18 *medicine, for persons who are applicants for or have been issued*
19 *a certificate to practice podiatric medicine pursuant to this article.*

20 *(b) The board may only approve a podiatric residency that it*
21 *determines meets all of the following requirements:*

22 *(1) Reasonably conforms with the Accreditation Council for*
23 *Graduate Medical Education's Institutional Requirements of the*
24 *Essentials of Accredited Residencies in Graduate Medical*
25 *Education: Institutional and Program Requirements.*

26 *(2) Is approved by the Council on Podiatric Medical Education.*

27 *(3) Complies with the requirements of this state.*

28 *1476. Nothing in this chapter or Chapter 5 (commencing with*
29 *Section 2000) shall be construed to prevent a regularly*
30 *matriculated student undertaking a course of professional*
31 *instruction in an approved college or school of podiatric medicine*
32 *from participating in training beyond the scope of podiatric*
33 *medicine under the supervision of a physician and surgeon who*
34 *holds a medical doctor or doctor of osteopathy degree whenever*
35 *and wherever prescribed as part of his or her course of study.*

36 *1477. Nothing in this chapter prohibits the manufacture, the*
37 *recommendation, or the sale of either corrective shoes or*
38 *appliances for the human feet.*

39 *1479. The board shall issue a certificate to practice podiatric*
40 *medicine to each applicant who meets the requirements of this*

chapter. Every applicant for a certificate to practice podiatric medicine shall comply with the provisions of Article 4 (commencing with Section 2080) of Chapter 5 which are not specifically applicable to applicants for a physician's and surgeon's certificate, in addition to the provisions of this chapter and Chapter 5 (commencing with Section 2000).

1480. The board shall have full authority to investigate and to evaluate each applicant applying for a certificate to practice podiatric medicine and to make a determination of the admission of the applicant to the examination and the issuance of a certificate in accordance with this chapter and Chapter 5 (commencing with Section 2000).

1481. Each applicant who commenced professional instruction in podiatric medicine after September 1, 1959, shall show by an official transcript or other official evidence submitted directly to the board by the academic institution that he or she has completed two years of preprofessional postsecondary education, or its equivalent, including the subjects of chemistry, biology or other biological science, and physics or mathematics, before completing the resident course of professional instruction.

1483. (a) Each applicant for a certificate to practice podiatric medicine shall show by an official transcript or other official evidence satisfactory to the board that is submitted directly to the board by the academic institution that he or she has successfully completed a medical curriculum extending over a period of at least four academic years, or 32 months of actual instruction, in a college or school of podiatric medicine approved by the board. The total number of hours of all courses shall consist of a minimum of 4,000 hours.

The board, by regulation, shall adopt standards for determining equivalent training authorized by this section.

(b) The curriculum for all applicants shall provide for adequate instruction related to podiatric medicine in the following:

- (1) Alcoholism and other chemical substance detection
- (2) Local anesthesia
- (3) Anatomy, including embryology, histology, and neuroanatomy
- (4) Behavioral science
- (5) Biochemistry
- (6) Biomechanics-foot and ankle

- 1 (7) *Child abuse detection*
- 2 (8) *Dermatology*
- 3 (9) *Geriatric medicine*
- 4 (10) *Human sexuality*
- 5 (11) *Infectious diseases*
- 6 (12) *Medical ethics*
- 7 (13) *Neurology*
- 8 (14) *Orthopedic surgery*
- 9 (15) *Pathology, microbiology, and immunology*
- 10 (16) *Pediatrics*
- 11 (17) *Pharmacology, including materia medica and toxicology*
- 12 (18) *Physical and laboratory diagnosis*
- 13 (19) *Physical medicine*
- 14 (20) *Physiology*
- 15 (21) *Podiatric medicine*
- 16 (22) *Podiatric surgery*
- 17 (23) *Preventive medicine, including nutrition*
- 18 (24) *Psychiatric problem detection*
- 19 (25) *Radiology and radiation safety*
- 20 (26) *Spousal or partner abuse detection*
- 21 (27) *Therapeutics*
- 22 (28) *Women's health*
- 23 1484. *In addition to any other requirements of this chapter or*
- 24 *Chapter 5 (commencing with Section 2000), before a certificate*
- 25 *to practice podiatric medicine may be issued, each applicant shall*
- 26 *show by evidence satisfactory to the board, submitted directly to*
- 27 *the board by the sponsoring institution, that he or she has*
- 28 *satisfactorily completed at least two years of postgraduate*
- 29 *podiatric medical and podiatric surgical training in a general*
- 30 *acute care hospital approved by the Council on Podiatric Medical*
- 31 *Education.*
- 32 1486. *The board shall issue a certificate to practice podiatric*
- 33 *medicine if the applicant has submitted directly to the board from*
- 34 *the credentialing organizations verification that he or she meets*
- 35 *all of the following requirements:*
- 36 (a) *The applicant has graduated from an approved school or*
- 37 *college of podiatric medicine and meets the requirements of Section*
- 38 *2483.*
- 39 (b) *The applicant, within the past 10 years, has passed parts I,*
- 40 *II, and III of the examination administered by the National Board*

1 of Podiatric Medical Examiners of the United States or has passed
2 a written examination that is recognized by the board to be the
3 equivalent in content to the examination administered by the
4 National Board of Podiatric Medical Examiners of the United
5 States.

6 (c) The applicant has satisfactorily completed the postgraduate
7 training required by Section 2484.

8 (d) The applicant has passed within the past 10 years any oral
9 and practical examination that may be required of all applicants
10 by the board to ascertain clinical competence.

11 (e) The applicant has committed no acts or crimes constituting
12 grounds for denial of a certificate under Division 1.5 (commencing
13 with Section 475).

14 (f) The board determines that no disciplinary action has been
15 taken against the applicant by any podiatric licensing authority
16 and that the applicant has not been the subject of adverse
17 judgments or settlements resulting from the practice of podiatric
18 medicine that the board determines constitutes evidence of a
19 pattern of negligence or incompetence.

20 (g) A disciplinary databank report regarding the applicant is
21 received by the board from the Federation of Podiatric Medical
22 Boards.

23 1488. Notwithstanding any other law, the board shall issue a
24 certificate to practice podiatric medicine by credentialing if the
25 applicant has submitted directly to the board from the credentialing
26 organizations verification that he or she is licensed as a doctor of
27 podiatric medicine in any other state and meets all of the following
28 requirements:

29 (a) The applicant has graduated from an approved school or
30 college of podiatric medicine.

31 (b) The applicant, within the past 10 years, has passed either
32 part III of the examination administered by the National Board of
33 Podiatric Medical Examiners of the United States or a written
34 examination that is recognized by the board to be the equivalent
35 in content to the examination administered by the National Board
36 of Podiatric Medical Examiners of the United States.

37 (c) The applicant has satisfactorily completed a postgraduate
38 training program approved by the Council on Podiatric Medical
39 Education.

1 (d) *The applicant, within the past 10 years, has passed any oral*
2 *and practical examination that may be required of all applicants*
3 *by the board to ascertain clinical competence.*

4 (e) *The applicant has committed no acts or crimes constituting*
5 *grounds for denial of a certificate under Division 1.5 (commencing*
6 *with Section 475).*

7 (f) *The board determines that no disciplinary action has been*
8 *taken against the applicant by any podiatric licensing authority*
9 *and that the applicant has not been the subject of adverse*
10 *judgments or settlements resulting from the practice of podiatric*
11 *medicine that the board determines constitutes evidence of a*
12 *pattern of negligence or incompetence.*

13 (g) *A disciplinary databank report regarding the applicant is*
14 *received by the board from the Federation of Podiatric Medical*
15 *Boards.*

16 1492. (a) *The board shall examine every applicant for a*
17 *certificate to practice podiatric medicine to ensure a minimum of*
18 *entry-level competence at the time and place designated by the*
19 *board in its discretion, but at least twice a year.*

20 (b) *Unless the applicant meets the requirements of Section 1486,*
21 *applicants shall be required to have taken and passed the*
22 *examination administered by the National Board of Podiatric*
23 *Medical Examiners.*

24 (c) *The board may appoint qualified persons to give the whole*
25 *or any portion of any examination as provided in this article, who*
26 *shall be designated as examination commissioners. The board may*
27 *fix the compensation of those persons subject to the provisions of*
28 *applicable state laws and regulations.*

29 (d) *The provisions of Article 9 (commencing with Section 2170)*
30 *of Chapter 5 shall apply to examinations administered by the board*
31 *except where those provisions are in conflict with or inconsistent*
32 *with the provisions of this chapter.*

33 1493. *An applicant for a certificate to practice podiatric*
34 *medicine shall pass an examination in the subjects required by*
35 *Section 1483 in order to ensure a minimum of entry-level*
36 *competence.*

37 1495. *Notwithstanding any other provision of this chapter, the*
38 *board may delegate to officials of the board the authority to*
39 *approve the admission of applicants to the examination and to*
40 *approve the issuance of certificates to practice podiatric medicine*

1 *to applicants who have met the specific requirements therefor in*
2 *routine cases where applicants clearly meet the requirements of*
3 *this chapter.*

4 *1496. In order to ensure the continuing competence of persons*
5 *licensed to practice podiatric medicine, the board shall adopt and*
6 *administer regulations requiring continuing education of those*
7 *licensees. The board shall require those licensees to demonstrate*
8 *satisfaction of the continuing education requirements and one of*
9 *the following requirements at each license renewal:*

10 *(a) Passage of an examination administered by the board within*
11 *the past 10 years.*

12 *(b) Passage of an examination administered by an approved*
13 *specialty certifying board within the past 10 years.*

14 *(c) Current diplomate, board-eligible, or board-qualified status*
15 *granted by an approved specialty certifying board within the past*
16 *10 years.*

17 *(d) Recertification of current status by an approved specialty*
18 *certifying board within the past 10 years.*

19 *(e) Successful completion of an approved residency or fellowship*
20 *program within the past 10 years.*

21 *(f) Granting or renewal of current staff privileges within the*
22 *past five years by a health care facility that is licensed, certified,*
23 *accredited, conducted, maintained, operated, or otherwise*
24 *approved by an agency of the federal or state government or an*
25 *organization approved by the Medical Board of California.*

26 *(g) Successful completion within the past five years of an*
27 *extended course of study approved by the board.*

28 *(h) Passage within the past 10 years of Part III of the*
29 *examination administered by the National Board of Podiatric*
30 *Medical Examiners.*

31 *1497. (a) The board may order the denial of an application*
32 *for, or the suspension of, or the revocation of, or the imposition*
33 *of probationary conditions upon, a certificate to practice podiatric*
34 *medicine for any of the causes set forth in Article 12 (commencing*
35 *with Section 2220) of Chapter 5 in accordance with Section 2222.*

36 *(b) The board may hear all matters, including but not limited*
37 *to, any contested case or may assign any such matters to an*
38 *administrative law judge. The proceedings shall be held in*
39 *accordance with Section 2230. If a contested case is heard by the*
40 *board itself, the administrative law judge who presided at the*

1 *hearing shall be present during the board's consideration of the*
2 *case and shall assist and advise the board.*

3 *1497.5. (a) The board may request the administrative law*
4 *judge, under his or her proposed decision in resolution of a*
5 *disciplinary proceeding before the board, to direct any licensee*
6 *found guilty of unprofessional conduct to pay to the board a sum*
7 *not to exceed the actual and reasonable costs of the investigation*
8 *and prosecution of the case.*

9 *(b) The costs to be assessed shall be fixed by the administrative*
10 *law judge and shall not be increased by the board unless the board*
11 *does not adopt a proposed decision and in making its own decision*
12 *finds grounds for increasing the costs to be assessed, not to exceed*
13 *the actual and reasonable costs of the investigation and*
14 *prosecution of the case.*

15 *(c) When the payment directed in the board's order for payment*
16 *of costs is not made by the licensee, the board may enforce the*
17 *order for payment by bringing an action in any appropriate court.*
18 *This right of enforcement shall be in addition to any other rights*
19 *the board may have as to any licensee directed to pay costs.*

20 *(d) In any judicial action for the recovery of costs, proof of the*
21 *board's decision shall be conclusive proof of the validity of the*
22 *order of payment and the terms for payment.*

23 *(e) (1) Except as provided in paragraph (2), the board shall*
24 *not renew or reinstate the license of any licensee who has failed*
25 *to pay all of the costs ordered under this section.*

26 *(2) Notwithstanding paragraph (1), the board may, in its*
27 *discretion, conditionally renew or reinstate for a maximum of one*
28 *year the license of any licensee who demonstrates financial*
29 *hardship and who enters into a formal agreement with the board*
30 *to reimburse the board within that one-year period for those unpaid*
31 *costs.*

32 *(f) All costs recovered under this section shall be deposited in*
33 *the Board of Podiatric Medicine Fund as a reimbursement in either*
34 *the fiscal year in which the costs are actually recovered or the*
35 *previous fiscal year, as the board may direct.*

36 *1498. (a) The board shall have the responsibility for reviewing*
37 *the quality of podiatric medical practice carried out by persons*
38 *licensed to practice podiatric medicine.*

39 *(b) Each member of the board, or any licensed doctor of*
40 *podiatric medicine appointed by the board, shall additionally have*

1 *the authority to inspect, or require reports from, a general or*
2 *specialized hospital and the podiatric medical staff thereof, with*
3 *respect to the podiatric medical care, services, or facilities*
4 *provided therein, and may inspect podiatric medical patient*
5 *records with respect to the care, services, or facilities. The*
6 *authority to make inspections and to require reports as provided*
7 *by this section shall not be delegated by a member of the board to*
8 *any person other than a doctor of podiatric medicine and shall be*
9 *subject to the restrictions against disclosure described in Section*
10 *2263.*

11 *1499. There is in the State Treasury the Board of Podiatric*
12 *Medicine Fund. Notwithstanding Section 2445, the board shall*
13 *report to the Controller at the beginning of each calendar month*
14 *for the month preceding the amount and source of all revenue*
15 *received by the board, pursuant to this chapter, and shall pay the*
16 *entire amount thereof to the Treasurer for deposit into the fund.*
17 *All revenue received by the board from fees authorized to be*
18 *charged relating to the practice of podiatric medicine shall be*
19 *deposited in the fund as provided in this section, and shall be used*
20 *to carry out this chapter or the provisions of Chapter 5*
21 *(commencing with Section 2000) relating to the regulation of the*
22 *practice of podiatric medicine.*

23 *1499.5. The following fees apply to certificates to practice*
24 *podiatric medicine. The amount of fees prescribed for doctors of*
25 *podiatric medicine shall be those set forth in this section unless a*
26 *lower fee is established by the board in accordance with Section*
27 *1499.6. Fees collected pursuant to this section shall be fixed by*
28 *the board in amounts not to exceed the actual costs of providing*
29 *the service for which the fee is collected.*

30 *(a) Each applicant for a certificate to practice podiatric*
31 *medicine shall pay an application fee of twenty dollars (\$20) at*
32 *the time the application is filed. If the applicant qualifies for a*
33 *certificate, he or she shall pay a fee which shall be fixed by the*
34 *board at an amount not to exceed one hundred dollars (\$100) nor*
35 *less than five dollars (\$5) for the issuance of the certificate.*

36 *(b) The oral examination fee shall be seven hundred dollars*
37 *(\$700), or the actual cost, whichever is lower, and shall be paid*
38 *by each applicant. If the applicant's credentials are insufficient*
39 *or if the applicant does not desire to take the examination, and*
40 *has so notified the board 30 days prior to the examination date,*

1 *only the examination fee is returnable to the applicant. The board*
2 *may charge an examination fee for any subsequent reexamination*
3 *of the applicant.*

4 *(c) Each applicant who qualifies for a certificate, as a condition*
5 *precedent to its issuance, in addition to other fees required by this*
6 *section, shall pay an initial license fee. The initial license fee shall*
7 *be eight hundred dollars (\$800). The initial license shall expire*
8 *the second year after its issuance on the last day of the month of*
9 *birth of the licensee. The board may reduce the initial license fee*
10 *by up to 50 percent of the amount of the fee for any applicant who*
11 *is enrolled in a postgraduate training program approved by the*
12 *board or who has completed a postgraduate training program*
13 *approved by the board within six months prior to the payment of*
14 *the initial license fee.*

15 *(d) The biennial renewal fee shall be nine hundred dollars*
16 *(\$900). Any licensee enrolled in an approved residency program*
17 *shall be required to pay only 50 percent of the biennial renewal*
18 *fee at the time of his or her first renewal.*

19 *(e) The delinquency fee is one hundred fifty dollars (\$150).*

20 *(f) The duplicate wall certificate fee is forty dollars (\$40).*

21 *(g) The duplicate renewal receipt fee is forty dollars (\$40).*

22 *(h) The endorsement fee is thirty dollars (\$30).*

23 *(i) The letter of good standing fee or for loan deferment is thirty*
24 *dollars (\$30).*

25 *(j) There shall be a fee of sixty dollars (\$60) for the issuance of*
26 *a resident's license under Section 1475.*

27 *(k) The application fee for ankle certification under Section*
28 *1472 for persons licensed prior to January 1, 1984, shall be fifty*
29 *dollars (\$50). The examination and reexamination fee for this*
30 *certification shall be seven hundred dollars (\$700).*

31 *(l) The filing fee to appeal the failure of an oral examination*
32 *shall be twenty-five dollars (\$25).*

33 *(m) The fee for approval of a continuing education course or*
34 *program shall be one hundred dollars (\$100).*

35 *1499.6. The fees in this chapter shall be fixed by the board in*
36 *accordance with Section 313.1.*

37 *1499.7. (a) Certificates to practice podiatric medicine shall*
38 *expire at 12 midnight on the last day of the birth month of the*
39 *licensee during the second year of a two-year term.*

1 **(b)** *To renew an unexpired certificate, the licensee, on or before*
2 *the date on which the certificate would otherwise expire, shall*
3 *apply for renewal on a form prescribed by the board and pay the*
4 *prescribed renewal fee.*

5 1499.8. *Any licensee who demonstrates to the satisfaction of*
6 *the board that he or she is unable to practice podiatric medicine*
7 *due to a disability may request a waiver of the license renewal fee.*
8 *The granting of a waiver shall be at the discretion of the board*
9 *and may be terminated at any time. Waivers shall be based on the*
10 *inability of a licensee to practice podiatric medicine. A licensee*
11 *whose renewal fee has been waived pursuant to this section shall*
12 *not engage in the practice of podiatric medicine unless and until*
13 *the licensee pays the current renewal fee and does either of the*
14 *following:*

15 **(a)** *Establishes to the satisfaction of the board, on a form*
16 *prescribed by the board and signed under penalty of perjury, that*
17 *the licensee's disability either no longer exists or does not affect*
18 *his or her ability to practice podiatric medicine safely.*

19 **(b)** *Signs an agreement on a form prescribed by the board,*
20 *signed under penalty of perjury, in which the licensee agrees to*
21 *limit his or her practice in the manner prescribed by the reviewing*
22 *physician.*

23 SEC. 15. *Section 2052.5 of the Business and Professions Code*
24 *is amended to read:*

25 2052.5. **(a)** *The proposed registration program developed*
26 *pursuant to subdivision (b) shall provide that, for purposes of the*
27 *proposed registration program:*

28 **(1)** *A physician and surgeon practices medicine in this state*
29 *across state lines when that person is located outside of this state*
30 *but, through the use of any medium, including an electronic*
31 *medium, practices or attempts to practice, or advertises or holds*
32 *himself or herself out as practicing, any system or mode of treating*
33 *the sick or afflicted in this state, or diagnoses, treats, operates for,*
34 *or prescribes for any ailment, blemish, deformity, disease,*
35 *disfigurement, disorder, injury, or other physical or mental*
36 *condition of any person in this state.*

37 **(2)** *A doctor of podiatric medicine practices podiatric medicine*
38 *in this state across state lines when that person is located outside*
39 *of this state but, through the use of any medium, including an*

1 electronic medium, practices or attempts to practice podiatric
2 medicine, as defined in Section ~~2472~~, 1472, in this state.

3 (3) The proposed registration program shall not apply to any
4 consultation described in Section 2060.

5 (b) The board may, at its discretion, develop a proposed
6 registration program to permit a physician and surgeon, or a doctor
7 of podiatric medicine, located outside this state to register with
8 the board to practice medicine or podiatric medicine in this state
9 across state lines.

10 (1) The proposed registration program shall include proposed
11 requirements for registration, including, but not limited to, licensure
12 in the state or country where the physician and surgeon, or the
13 doctor of podiatric medicine, resides, and education and training
14 requirements.

15 (2) The proposed registration program may also include all of
16 the following: (A) standards for confidentiality, format, and
17 retention of medical records, (B) access to medical records by the
18 board, (C) registration fees, renewal fees, delinquency fees, and
19 replacement document fees in an amount not to exceed the actual
20 cost of administering the registration program, and (D) provisions
21 ensuring that enforcement and consumer education shall be integral
22 parts of administering the registration program.

23 (3) The proposed registration program may also provide all of
24 the following:

25 (A) All laws, rules, and regulations that govern the practice of
26 medicine or podiatric medicine in this state, including, but not
27 limited to, confidentiality and reporting requirements, shall apply
28 to a physician and surgeon, or a doctor of podiatric medicine, who
29 is registered by the board to practice medicine or podiatric medicine
30 in this state across state lines.

31 (B) The board may deny an application for registration or may
32 suspend, revoke, or otherwise discipline a registrant for any of the
33 following: (i) on any ground prescribed by this chapter, (ii) failure
34 to possess or to maintain a valid license in the state where the
35 registrant resides, or (iii) if the applicant or registrant is not licensed
36 by the state or country in which he or she resides, and that state or
37 country prohibits the practice of medicine or podiatric medicine
38 from that state or country into any other state or country without
39 a valid registration or license issued by the state or country in
40 which the applicant or registrant practices. Action to deny or

1 discipline a registrant shall be taken in the manner provided for in
2 this chapter.

3 (C) Any of the following shall be grounds for discipline of a
4 registrant: (i) to allow any person to engage in the practice of
5 medicine or podiatric medicine in this state across state lines under
6 his or her registration, including, but not limited to, any nurse,
7 physician assistant, medical assistant, or other person, (ii) to fail
8 to include his or her registration number on any invoice or other
9 type of billing statement submitted for care or treatment provided
10 to a patient located in this state, (iii) to practice medicine or
11 podiatric medicine in any other state or country without meeting
12 the legal requirements to practice medicine or podiatric medicine
13 in that state or country, or (iv) to fail to notify the board, in a
14 manner prescribed by the board, of any restrictions placed on his
15 or her medical license, or podiatric medical license, in any state.

16 (D) A registration issued pursuant to the registration program
17 shall automatically be suspended upon receipt of a copy, from the
18 state that issued the license, of the surrender, revocation,
19 suspension, or other similar type of action taken by another state
20 or country against a medical license, or podiatric medical license,
21 issued to a registrant. The board shall notify the registrant in writing
22 of the suspension and of the registrant's right to a hearing.

23 (4) Section 2314 shall not apply to the registration program.

24 (c) This section shall not be construed to authorize the board to
25 implement a registration program for physicians and surgeons or
26 doctors of podiatric medicine located outside this state. This section
27 is intended to authorize the board to develop a proposed registration
28 program to be authorized for implementation by future legislation.

29 (d) *For purposes of this section, "board" refers to either the*
30 *Medical Board of California or the California Board of Podiatric*
31 *Medicine, as applicable.*

32 ~~SEC. 2.~~

33 *SEC. 16.* Section 2423 of the Business and Professions Code
34 is amended to read:

35 2423. (a) Notwithstanding Section 2422:

36 (1) All physician and surgeon's certificates and certificates to
37 practice midwifery shall expire at 12 midnight on the last day of
38 the birth month of the licensee during the second year of a two-year
39 term if not renewed.

(2) Registrations of dispensing opticians will expire at midnight on the last day of the month in which the license was issued during the second year of a two-year term if not renewed.

(b) The board shall establish by regulation procedures for the administration of a birth date renewal program, including, but not limited to, the establishment of a system of staggered license expiration dates such that a relatively equal number of licenses expire monthly.

(c) To renew an unexpired license, the licensee shall, on or before the dates on which it would otherwise expire, apply for renewal on a form prescribed by the licensing authority and pay the prescribed renewal fee.

SEC. 17. Article 22 (commencing with Section 2460) of Chapter 5 of Division 2 of the Business and Professions Code is repealed.

~~SEC. 3. Section 2460 of the Business and Professions Code is amended to read:~~

~~2460. (a) There is created within the Department of Consumer Affairs a California Board of Podiatric Medicine.~~

~~(b) This section shall remain in effect only until January 1, 2017, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2017, deletes or extends that date. Notwithstanding any other provision of law, the repeal of this section renders the California Board of Podiatric Medicine subject to review by the appropriate policy committees of the Legislature.~~

~~SEC. 4. Section 2461 of the Business and Professions Code is amended to read:~~

~~2461. As used in this article:~~

~~(a) "Board" means the California Board of Podiatric Medicine.~~

~~(b) "Podiatric licensing authority" refers to any officer, board, commission, committee, or department of another state that may issue a license to practice podiatric medicine.~~

~~SEC. 5. Section 2475 of the Business and Professions Code is amended to read:~~

~~2475. Unless otherwise provided by law, no postgraduate trainee, intern, resident postdoctoral fellow, or instructor may engage in the practice of podiatric medicine, or receive compensation therefor, or offer to engage in the practice of podiatric medicine unless he or she holds a valid, unrevoked, and unsuspended certificate to practice podiatric medicine issued by the board. However, a graduate of an approved college or school~~

1 of podiatric medicine upon whom the degree doctor of podiatric
2 medicine has been conferred, who is issued a resident's license,
3 which may be renewed annually for up to eight years for this
4 purpose by the board, and who is enrolled in a postgraduate training
5 program approved by the board, may engage in the practice of
6 podiatric medicine whenever and wherever required as a part of
7 that program and may receive compensation for that practice under
8 the following conditions:

9 (a) A graduate with a resident's license in an approved
10 internship, residency, or fellowship program may participate in
11 training rotations outside the scope of podiatric medicine, under
12 the supervision of a physician and surgeon who holds a medical
13 doctor or doctor of osteopathy degree wherever and whenever
14 required as a part of the training program, and may receive
15 compensation for that practice. If the graduate fails to receive a
16 license to practice podiatric medicine under this chapter within
17 three years from the commencement of the postgraduate training,
18 all privileges and exemptions under this section shall automatically
19 cease.

20 (b) Hospitals functioning as a part of the teaching program of
21 an approved college or school of podiatric medicine in this state
22 may exchange instructors or resident or assistant resident doctors
23 of podiatric medicine with another approved college or school of
24 podiatric medicine not located in this state, or those hospitals may
25 appoint a graduate of an approved school as such a resident for
26 purposes of postgraduate training. Those instructors and residents
27 may practice and be compensated as provided in this section, but
28 that practice and compensation shall be for a period not to exceed
29 two years.

30 SEC. 6. Section 2479 of the Business and Professions Code is
31 amended to read:

32 2479. The board shall issue a certificate to practice podiatric
33 medicine to each applicant who meets the requirements of this
34 chapter. Every applicant for a certificate to practice podiatric
35 medicine shall comply with the provisions of Article 4
36 (commencing with Section 2080) which are not specifically
37 applicable to applicants for a physician's and surgeon's certificate;
38 in addition to the provisions of this article.

39 SEC. 7. Section 2486 of the Business and Professions Code is
40 amended to read:

1 ~~2486. The board shall issue a certificate to practice podiatric~~
2 ~~medicine if the applicant has submitted directly to the board from~~
3 ~~the credentialing organizations verification that he or she meets~~
4 ~~all of the following requirements:~~

5 ~~(a) The applicant has graduated from an approved school or~~
6 ~~college of podiatric medicine and meets the requirements of Section~~
7 ~~2483.~~

8 ~~(b) The applicant, within the past 10 years, has passed parts I,~~
9 ~~H, and III of the examination administered by the National Board~~
10 ~~of Podiatric Medical Examiners of the United States or has passed~~
11 ~~a written examination that is recognized by the board to be the~~
12 ~~equivalent in content to the examination administered by the~~
13 ~~National Board of Podiatric Medical Examiners of the United~~
14 ~~States.~~

15 ~~(c) The applicant has satisfactorily completed the postgraduate~~
16 ~~training required by Section 2484.~~

17 ~~(d) The applicant has passed within the past 10 years any oral~~
18 ~~and practical examination that may be required of all applicants~~
19 ~~by the board to ascertain clinical competence.~~

20 ~~(e) The applicant has committed no acts or crimes constituting~~
21 ~~grounds for denial of a certificate under Division 1.5 (commencing~~
22 ~~with Section 475).~~

23 ~~(f) The board determines that no disciplinary action has been~~
24 ~~taken against the applicant by any podiatric licensing authority~~
25 ~~and that the applicant has not been the subject of adverse judgments~~
26 ~~or settlements resulting from the practice of podiatric medicine~~
27 ~~that the board determines constitutes evidence of a pattern of~~
28 ~~negligence or incompetence.~~

29 ~~(g) A disciplinary databank report regarding the applicant is~~
30 ~~received by the board from the Federation of Podiatric Medical~~
31 ~~Boards.~~

32 ~~SEC. 8. Section 2488 of the Business and Professions Code is~~
33 ~~amended to read:~~

34 ~~2488. Notwithstanding any other law, the board shall issue a~~
35 ~~certificate to practice podiatric medicine by credentialing if the~~
36 ~~applicant has submitted directly to the board from the credentialing~~
37 ~~organizations verification that he or she is licensed as a doctor of~~
38 ~~podiatric medicine in any other state and meets all of the following~~
39 ~~requirements:~~

1 ~~(a) The applicant has graduated from an approved school or~~
2 ~~college of podiatric medicine.~~

3 ~~(b) The applicant, within the past 10 years, has passed either~~
4 ~~part III of the examination administered by the National Board of~~
5 ~~Podiatric Medical Examiners of the United States or a written~~
6 ~~examination that is recognized by the board to be the equivalent~~
7 ~~in content to the examination administered by the National Board~~
8 ~~of Podiatric Medical Examiners of the United States.~~

9 ~~(c) The applicant has satisfactorily completed a postgraduate~~
10 ~~training program approved by the Council on Podiatric Medical~~
11 ~~Education.~~

12 ~~(d) The applicant, within the past 10 years, has passed any oral~~
13 ~~and practical examination that may be required of all applicants~~
14 ~~by the board to ascertain clinical competence.~~

15 ~~(e) The applicant has committed no acts or crimes constituting~~
16 ~~grounds for denial of a certificate under Division 1.5 (commencing~~
17 ~~with Section 475).~~

18 ~~(f) The board determines that no disciplinary action has been~~
19 ~~taken against the applicant by any podiatric licensing authority~~
20 ~~and that the applicant has not been the subject of adverse judgments~~
21 ~~or settlements resulting from the practice of podiatric medicine~~
22 ~~that the board determines constitutes evidence of a pattern of~~
23 ~~negligence or incompetence.~~

24 ~~(g) A disciplinary databank report regarding the applicant is~~
25 ~~received by the board from the Federation of Podiatric Medical~~
26 ~~Boards.~~

27 ~~SEC. 9. Section 2492 of the Business and Professions Code is~~
28 ~~amended to read:~~

29 ~~2492. (a) The board shall examine every applicant for a~~
30 ~~certificate to practice podiatric medicine to ensure a minimum of~~
31 ~~entry-level competence at the time and place designated by the~~
32 ~~board in its discretion, but at least twice a year.~~

33 ~~(b) Unless the applicant meets the requirements of Section 2486,~~
34 ~~applicants shall be required to have taken and passed the~~
35 ~~examination administered by the National Board of Podiatric~~
36 ~~Medical Examiners.~~

37 ~~(c) The board may appoint qualified persons to give the whole~~
38 ~~or any portion of any examination as provided in this article, who~~
39 ~~shall be designated as examination commissioners. The board may~~

1 fix the compensation of those persons subject to the provisions of
2 applicable state laws and regulations.

3 (d) ~~The provisions of Article 9 (commencing with Section 2170)~~
4 ~~shall apply to examinations administered by the board except where~~
5 ~~those provisions are in conflict with or inconsistent with the~~
6 ~~provisions of this article.~~

7 ~~SEC. 10. Section 2499 of the Business and Professions Code~~
8 ~~is amended to read:~~

9 ~~2499. There is in the State Treasury the Board of Podiatric~~
10 ~~Medicine Fund. Notwithstanding Section 2445, the board shall~~
11 ~~report to the Controller at the beginning of each calendar month~~
12 ~~for the month preceeding the amount and source of all revenue~~
13 ~~received by the board, pursuant to this chapter, and shall pay the~~
14 ~~entire amount thereof to the Treasurer for deposit into the fund.~~
15 ~~All revenue received by the board from fees authorized to be~~
16 ~~charged relating to the practice of podiatric medicine shall be~~
17 ~~deposited in the fund as provided in this section, and shall be used~~
18 ~~to carry out the provisions of this chapter relating to the regulation~~
19 ~~of the practice of podiatric medicine.~~

20 ~~SEC. 11. Section 2499.7 is added to the Business and~~
21 ~~Professions Code, to read:~~

22 ~~2499.7. (a) Certificates to practice podiatric medicine shall~~
23 ~~expire at 12 midnight on the last day of the birth month of the~~
24 ~~licensee during the second year of a two-year term.~~

25 ~~(b) To renew an unexpired certificate, the licensee, on or before~~
26 ~~the date on which the certificate would otherwise expire, shall~~
27 ~~apply for renewal on a form prescribed by the board and pay the~~
28 ~~prescribed renewal fee.~~

29 ~~SEC. 12.~~

30 ~~SEC. 18. Section 2733 of the Business and Professions Code~~
31 ~~is amended to read:~~

32 ~~2733. (a) (1) (A) Upon approval of an application filed~~
33 ~~pursuant to subdivision (b) of Section 2732.1, and upon the~~
34 ~~payment of the fee prescribed by subdivision (k) of Section 2815,~~
35 ~~the board may issue a temporary license to practice professional~~
36 ~~nursing, and a temporary certificate to practice as a certified public~~
37 ~~health nurse for a period of six months from the date of issuance.~~

38 ~~(B) Upon approval of an application filed pursuant to~~
39 ~~subdivision (b) of Section 2732.1, and upon the payment of the~~
40 ~~fee prescribed by subdivision (d) of Section 2838.2, the board may~~

1 issue a temporary certificate to practice as a certified clinical nurse
2 specialist for a period of six months from the date of issuance.

3 (C) Upon approval of an application filed pursuant to
4 subdivision (b) of Section 2732.1, and upon the payment of the
5 fee prescribed by subdivision (e) of Section 2815.5, the board may
6 issue a temporary certificate to practice as a certified nurse-midwife
7 for a period of six months from the date of issuance.

8 (D) Upon approval of an application filed pursuant to
9 subdivision (b) of Section 2732.1, and upon the payment of the
10 fee prescribed by subdivision (d) of Section 2830.7, the board may
11 issue a temporary certificate to practice as a certified nurse
12 anesthetist for a period of six months from the date of issuance.

13 (E) Upon approval of an application filed pursuant to subdivision
14 (b) of Section 2732.1, and upon the payment of the fee prescribed
15 by subdivision (p) of Section 2815, the board may issue a
16 temporary certificate to practice as a certified nurse practitioner
17 for a period of six months from the date of issuance.

18 (2) A temporary license or temporary certificate shall terminate
19 upon notice thereof by certified mail, return receipt requested, if
20 it is issued by mistake or if the application for permanent licensure
21 is denied.

22 (b) Upon written application, the board may reissue a temporary
23 license or temporary certificate to any person who has applied for
24 a regular renewable license pursuant to subdivision (b) of Section
25 2732.1 and who, in the judgment of the board has been excusably
26 delayed in completing his or her application for or the minimum
27 requirements for a regular renewable license, but the board may
28 not reissue a temporary license or temporary certificate more than
29 twice to any one person.

30 ~~SEC. 13.~~

31 *SEC. 19.* Section 2746.51 of the Business and Professions Code
32 is amended to read:

33 2746.51. (a) Neither this chapter nor any other provision of
34 law shall be construed to prohibit a certified nurse-midwife from
35 furnishing or ordering drugs or devices, including controlled
36 substances classified in Schedule II, III, IV, or V under the
37 California Uniform Controlled Substances Act (Division 10
38 (commencing with Section 11000) of the Health and Safety Code),
39 when all of the following apply:

1 (1) The drugs or devices are furnished or ordered incidentally
2 to the provision of any of the following:

3 (A) Family planning services, as defined in Section 14503 of
4 the Welfare and Institutions Code.

5 (B) Routine health care or perinatal care, as defined in
6 subdivision (d) of Section 123485 of the Health and Safety Code.

7 (C) Care rendered, consistent with the certified nurse-midwife's
8 educational preparation or for which clinical competency has been
9 established and maintained, to persons within a facility specified
10 in subdivision (a), (b), (c), (d), (i), or (j) of Section 1206 of the
11 Health and Safety Code, a clinic as specified in Section 1204 of
12 the Health and Safety Code, a general acute care hospital as defined
13 in subdivision (a) of Section 1250 of the Health and Safety Code,
14 a licensed birth center as defined in Section 1204.3 of the Health
15 and Safety Code, or a special hospital specified as a maternity
16 hospital in subdivision (f) of Section 1250 of the Health and Safety
17 Code.

18 (2) The drugs or devices are furnished or ordered by a certified
19 nurse-midwife in accordance with standardized procedures or
20 protocols. For purposes of this section, standardized procedure
21 means a document, including protocols, developed and approved
22 by the supervising physician and surgeon, the certified
23 nurse-midwife, and the facility administrator or his or her designee.
24 The standardized procedure covering the furnishing or ordering
25 of drugs or devices shall specify all of the following:

26 (A) Which certified nurse-midwife may furnish or order drugs
27 or devices.

28 (B) Which drugs or devices may be furnished or ordered and
29 under what circumstances.

30 (C) The extent of physician and surgeon supervision.

31 (D) The method of periodic review of the certified
32 nurse-midwife's competence, including peer review, and review
33 of the provisions of the standardized procedure.

34 (3) If Schedule II or III controlled substances, as defined in
35 Sections 11055 and 11056 of the Health and Safety Code, are
36 furnished or ordered by a certified nurse-midwife, the controlled
37 substances shall be furnished or ordered in accordance with a
38 patient-specific protocol approved by the treating or supervising
39 physician and surgeon. For Schedule II controlled substance
40 protocols, the provision for furnishing the Schedule II controlled

1 substance shall address the diagnosis of the illness, injury, or
2 condition for which the Schedule II controlled substance is to be
3 furnished.

4 (4) The furnishing or ordering of drugs or devices by a certified
5 nurse-midwife occurs under physician and surgeon supervision.
6 For purposes of this section, no physician and surgeon shall
7 supervise more than four certified nurse-midwives at one time.
8 Physician and surgeon supervision shall not be construed to require
9 the physical presence of the physician, but does include all of the
10 following:

11 (A) Collaboration on the development of the standardized
12 procedure or protocol.

13 (B) Approval of the standardized procedure or protocol.

14 (C) Availability by telephonic contact at the time of patient
15 examination by the certified nurse-midwife.

16 (b) (1) The furnishing or ordering of drugs or devices by a
17 certified nurse-midwife is conditional on the issuance by the board
18 of a number to the applicant who has successfully completed the
19 requirements of paragraph (2). The number shall be included on
20 all transmittals of orders for drugs or devices by the certified
21 nurse-midwife. The board shall maintain a list of the certified
22 nurse-midwives that it has certified pursuant to this paragraph and
23 the number it has issued to each one. The board shall make the list
24 available to the California State Board of Pharmacy upon its
25 request. Every certified nurse-midwife who is authorized pursuant
26 to this section to furnish or issue a drug order for a controlled
27 substance shall register with the United States Drug Enforcement
28 Administration.

29 (2) The board has certified in accordance with paragraph (1)
30 that the certified nurse-midwife has satisfactorily completed a
31 course in pharmacology covering the drugs or devices to be
32 furnished or ordered under this section. The board shall establish
33 the requirements for satisfactory completion of this paragraph.
34 The board may charge the applicant a fee to cover all necessary
35 costs to implement this section, that shall be not less than four
36 hundred dollars (\$400) nor more than one thousand five hundred
37 dollars (\$1,500) for an initial application, nor less than one hundred
38 fifty dollars (\$150) nor more than one thousand dollars (\$1,000)
39 for an application for renewal. The board may charge a penalty
40 fee for failure to renew a furnishing number within the prescribed

1 time that shall be not less than seventy-five dollars (\$75) nor more
2 than five hundred dollars (\$500).

3 (3) A physician and surgeon may determine the extent of
4 supervision necessary pursuant to this section in the furnishing or
5 ordering of drugs and devices.

6 (4) A copy of the standardized procedure or protocol relating
7 to the furnishing or ordering of controlled substances by a certified
8 nurse-midwife shall be provided upon request to any licensed
9 pharmacist who is uncertain of the authority of the certified
10 nurse-midwife to perform these functions.

11 (5) Certified nurse-midwives who are certified by the board and
12 hold an active furnishing number, who are currently authorized
13 through standardized procedures or protocols to furnish Schedule
14 II controlled substances, and who are registered with the United
15 States Drug Enforcement Administration shall provide
16 documentation of continuing education specific to the use of
17 Schedule II controlled substances in settings other than a hospital
18 based on standards developed by the board.

19 (c) Drugs or devices furnished or ordered by a certified
20 nurse-midwife may include Schedule II controlled substances
21 under the California Uniform Controlled Substances Act (Division
22 10 (commencing with Section 11000) of the Health and Safety
23 Code) under the following conditions:

24 (1) The drugs and devices are furnished or ordered in accordance
25 with requirements referenced in paragraphs (2) to (4), inclusive,
26 of subdivision (a) and in paragraphs (1) to (3), inclusive, of
27 subdivision (b).

28 (2) When Schedule II controlled substances, as defined in
29 Section 11055 of the Health and Safety Code, are furnished or
30 ordered by a certified nurse-midwife, the controlled substances
31 shall be furnished or ordered in accordance with a patient-specific
32 protocol approved by the treating or supervising physician and
33 surgeon.

34 (d) Furnishing of drugs or devices by a certified nurse-midwife
35 means the act of making a pharmaceutical agent or agents available
36 to the patient in strict accordance with a standardized procedure
37 or protocol. Use of the term “furnishing” in this section shall
38 include the following:

39 (1) The ordering of a drug or device in accordance with the
40 standardized procedure or protocol.

1 (2) Transmitting an order of a supervising physician and
2 surgeon.

3 (e) “Drug order” or “order” for purposes of this section means
4 an order for medication or for a drug or device that is dispensed
5 to or for an ultimate user, issued by a certified nurse-midwife as
6 an individual practitioner, within the meaning of Section 1306.03
7 of Title 21 of the Code of Federal Regulations. Notwithstanding
8 any other provision of law, (1) a drug order issued pursuant to this
9 section shall be treated in the same manner as a prescription of the
10 supervising physician; (2) all references to “prescription” in this
11 code and the Health and Safety Code shall include drug orders
12 issued by certified nurse-midwives; and (3) the signature of a
13 certified nurse-midwife on a drug order issued in accordance with
14 this section shall be deemed to be the signature of a prescriber for
15 purposes of this code and the Health and Safety Code.

16 ~~SEC. 14.~~

17 *SEC. 20.* Section 2786.5 of the Business and Professions Code
18 is amended to read:

19 2786.5. (a) An institution of higher education or a private
20 postsecondary school of nursing approved by the board pursuant
21 to subdivision (b) of Section 2786 shall remit to the board for
22 deposit in the Board of Registered Nursing Fund the following
23 fees, in accordance with the following schedule:

24 (1) The fee for approval of a school of nursing shall be fixed
25 by the board at not less than forty thousand dollars (\$40,000) nor
26 more than eighty thousand dollars (\$80,000).

27 (2) The fee for continuing approval of a nursing program
28 established after January 1, 2013, shall be fixed by the board at
29 not less than fifteen thousand dollars (\$15,000) nor more than
30 thirty thousand dollars (\$30,000).

31 (3) The processing fee for authorization of a substantive change
32 to an approval of a school of nursing shall be fixed by the board
33 at not less than two thousand five hundred dollars (\$2,500) nor
34 more than five thousand dollars (\$5,000).

35 (b) If the board determines that the annual cost of providing
36 oversight and review of a school of nursing, as required by this
37 article, is less than the amount of any fees required to be paid by
38 that institution pursuant to this article, the board may decrease the
39 fees applicable to that institution to an amount that is proportional
40 to the board’s costs associated with that institution.

1 ~~SEC. 15.~~

2 ~~SEC. 21.~~ Section 2811 of the Business and Professions Code
3 is amended to read:

4 2811. (a) Each person holding a regular renewable license
5 under this chapter, whether in an active or inactive status, shall
6 apply for a renewal of his *or her* license and pay the biennial
7 renewal fee required by this chapter each two years on or before
8 the last day of the month following the month in which his *or her*
9 birthday occurs, beginning with the second birthday following the
10 date on which the license was issued, whereupon the board shall
11 renew the license.

12 (b) Each such license not renewed in accordance with this
13 section shall expire but may within a period of eight years
14 thereafter be reinstated upon payment of the fee required by this
15 chapter and upon submission of such proof of the applicant's
16 qualifications as may be required by the board, except that during
17 such eight-year period no examination shall be required as a
18 condition for the reinstatement of any such expired license which
19 has lapsed solely by reason of nonpayment of the renewal fee.
20 After the expiration of such eight-year period the board may require
21 as a condition of reinstatement that the applicant pass such
22 examination as it deems necessary to determine his present fitness
23 to resume the practice of professional nursing.

24 (c) A license in an inactive status may be restored to an active
25 status if the licensee meets the continuing education standards of
26 Section 2811.5.

27 ~~SEC. 16.~~

28 ~~SEC. 22.~~ Section 2811.5 of the Business and Professions Code
29 is amended to read:

30 2811.5. (a) Each person renewing his or her license under
31 Section 2811 shall submit proof satisfactory to the board that,
32 during the preceding two-year period, he or she has been informed
33 of the developments in the registered nurse field or in any special
34 area of practice engaged in by the licensee, occurring since the
35 last renewal thereof, either by pursuing a course or courses of
36 continuing education in the registered nurse field or relevant to
37 the practice of the licensee, and approved by the board, or by other
38 means deemed equivalent by the board.

39 (b) For purposes of this section, the board shall, by regulation,
40 establish standards for continuing education. The standards shall

1 be established in a manner to ensure that a variety of alternative
2 forms of continuing education are available to licensees, including,
3 but not limited to, academic studies, in-service education, institutes,
4 seminars, lectures, conferences, workshops, extension studies, and
5 home study programs. The standards shall take cognizance of
6 specialized areas of practice, and content shall be relevant to the
7 practice of nursing and shall be related to the scientific knowledge
8 or technical skills required for the practice of nursing or be related
9 to direct or indirect patient or client care. The continuing education
10 standards established by the board shall not exceed 30 hours of
11 direct participation in a course or courses approved by the board,
12 or its equivalent in the units of measure adopted by the board.

13 (c) The board shall audit continuing education providers at least
14 once every five years to ensure adherence to regulatory
15 requirements, and shall withhold or rescind approval from any
16 provider that is in violation of the regulatory requirements.

17 (d) The board shall encourage continuing education in spousal
18 or partner abuse detection and treatment. In the event the board
19 establishes a requirement for continuing education coursework in
20 spousal or partner abuse detection or treatment, that requirement
21 shall be met by each licensee within no more than four years from
22 the date the requirement is imposed.

23 (e) In establishing standards for continuing education, the board
24 shall consider including a course in the special care needs of
25 individuals and their families facing end-of-life issues, including,
26 but not limited to, all of the following:

- 27 (1) Pain and symptom management.
- 28 (2) The psycho-social dynamics of death.
- 29 (3) Dying and bereavement.
- 30 (4) Hospice care.

31 (f) In establishing standards for continuing education, the board
32 may include a course on pain management.

33 (g) This section shall not apply to licensees during the first two
34 years immediately following their initial licensure in California
35 or any other governmental jurisdiction.

36 (h) The board may, in accordance with the intent of this section,
37 make exceptions from continuing education requirements for
38 licensees residing in another state or country, or for reasons of
39 health, military service, or other good cause.

1 ~~SEC. 17.~~

2 *SEC. 23.* Section 2815 of the Business and Professions Code
3 is amended to read:

4 2815. Subject to the provisions of Section 128.5, the amount
5 of the fees prescribed by this chapter in connection with the
6 issuance of licenses for registered nurses under its provisions is
7 that fixed by the following schedule:

8 (a) (1) The fee to be paid upon the filing by a graduate of an
9 approved school of nursing in this state of an application for a
10 licensure by examination shall be fixed by the board at not less
11 than three hundred dollars (\$300) nor more than one thousand
12 dollars (\$1,000).

13 (2) The fee to be paid upon the filing by a graduate of a school
14 of nursing in another state, district, or territory of the United States
15 of an application for a licensure by examination shall be fixed by
16 the board at not less than three hundred fifty dollars (\$350) nor
17 more than one thousand dollars (\$1,000).

18 (3) The fee to be paid upon the filing by a graduate of a school
19 of nursing in another country of an application for a licensure by
20 examination shall be fixed by the board at not less than seven
21 hundred fifty dollars (\$750) nor more than one thousand five
22 hundred dollars (\$1,500).

23 (4) The fee to be paid upon the filing of an application for
24 licensure by a repeat examination shall be fixed by the board at
25 not less than two hundred fifty dollars (\$250) and not more than
26 one thousand dollars (\$1,000).

27 (b) The fee to be paid for taking each examination shall be the
28 actual cost to purchase an examination from a vendor approved
29 by the board.

30 (c) (1) The fee to be paid for application by a person who is
31 licensed or registered as a nurse in another state, district, or territory
32 of the United States for licensure by endorsement shall be fixed
33 by the board at not less than three hundred fifty dollars (\$350) nor
34 more than one thousand dollars (\$1,000).

35 (2) The fee to be paid for application by a person who is licensed
36 or registered as a nurse in another country for licensure by
37 endorsement shall be fixed by the board at not less than seven
38 hundred fifty dollars (\$750) nor more than one thousand five
39 hundred dollars (\$1,500).

1 (d) (1) The biennial fee to be paid upon the filing of an
2 application for renewal of the license shall be not less than one
3 hundred eighty dollars (\$180) nor more than seven hundred fifty
4 dollars (\$750). In addition, an assessment of ten dollars (\$10) shall
5 be collected and credited to the Registered Nurse Education Fund,
6 pursuant to Section 2815.1.

7 (2) The fee to be paid upon the filing of an application for
8 reinstatement pursuant to subdivision (b) of Section 2811 shall be
9 not less than three hundred fifty dollars (\$350) nor more than one
10 thousand dollars (\$1,000).

11 (e) The penalty fee for failure to renew a license within the
12 prescribed time shall be fixed by the board at not more than 50
13 percent of the regular renewal fee, but not less than ninety dollars
14 (\$90) nor more than three hundred seventy-five dollars (\$375).

15 (f) The fee to be paid for approval of a continuing education
16 provider shall be fixed by the board at not less than five hundred
17 dollars (\$500) nor more than one thousand dollars (\$1,000).

18 (g) The biennial fee to be paid upon the filing of an application
19 for renewal of provider approval shall be fixed by the board at not
20 less than seven hundred fifty dollars (\$750) nor more than one
21 thousand dollars (\$1,000).

22 (h) The penalty fee for failure to renew provider approval within
23 the prescribed time shall be fixed at not more than 50 percent of
24 the regular renewal fee, but not less than one hundred twenty-five
25 dollars (\$125) nor more than five hundred dollars (\$500).

26 (i) The penalty for submitting insufficient funds or fictitious
27 check, draft or order on any bank or depository for payment of
28 any fee to the board shall be fixed at not less than fifteen dollars
29 (\$15) nor more than thirty dollars (\$30).

30 (j) The fee to be paid for an interim permit shall be fixed by the
31 board at not less than one hundred dollars (\$100) nor more than
32 two hundred fifty dollars (\$250).

33 (k) The fee to be paid for a temporary license shall be fixed by
34 the board at not less than one hundred dollars (\$100) nor more
35 than two hundred fifty dollars (\$250).

36 (l) The fee to be paid for processing endorsement papers to other
37 states shall be fixed by the board at not less than one hundred
38 dollars (\$100) nor more than two hundred dollars (\$200).

1 (m) The fee to be paid for a certified copy of a school transcript
2 shall be fixed by the board at not less than fifty dollars (\$50) nor
3 more than one hundred dollars (\$100).

4 (n) (1) The fee to be paid for a duplicate pocket license shall
5 be fixed by the board at not less than fifty dollars (\$50) nor more
6 than seventy-five dollars (\$75).

7 (2) The fee to be paid for a duplicate wall certificate shall be
8 fixed by the board at not less than sixty dollars (\$60) nor more
9 than one hundred dollars (\$100).

10 (o) (1) The fee to be paid by a registered nurse for an evaluation
11 of his or her qualifications to use the title “nurse practitioner” shall
12 be fixed by the board at not less than five hundred dollars (\$500)
13 nor more than one thousand five hundred dollars (\$1,500).

14 (2) The fee to be paid by a registered nurse for a temporary
15 certificate to practice as a nurse practitioner shall be fixed by the
16 board at not less than one hundred fifty dollars (\$150) nor more
17 than five hundred dollars (\$500).

18 (3) The fee to be paid upon the filing of an application for
19 renewal of a certificate to practice as a nurse practitioner shall be
20 not less than one hundred fifty dollars (\$150) nor more than one
21 thousand dollars (\$1,000).

22 (4) The penalty fee for failure to renew a certificate to practice
23 as a nurse practitioner within the prescribed time shall be not less
24 than seventy-five dollars (\$75) nor more than five hundred dollars
25 (\$500).

26 (p) The fee to be paid by a registered nurse for listing as a
27 “psychiatric mental health nurse” shall be fixed by the board at
28 not less than three hundred fifty dollars (\$350) nor more than seven
29 hundred fifty dollars (\$750).

30 (q) The fee to be paid for duplicate National Council Licensure
31 Examination for registered nurses (NCLEX-RN) examination
32 results shall be not less than sixty dollars (\$60) nor more than one
33 hundred dollars (\$100).

34 (r) The fee to be paid for a letter certifying a license shall be
35 not less than twenty dollars (\$20) nor more than thirty dollars
36 (\$30).

37 No further fee shall be required for a license or a renewal thereof
38 other than as prescribed by this chapter.

~~SEC. 18.~~

SEC. 24. Section 2815.5 of the Business and Professions Code is amended to read:

2815.5. The amount of the fees prescribed by this chapter in connection with the issuance of certificates as nurse-midwives is that fixed by the following schedule:

(a) The fee to be paid upon the filing of an application for a certificate shall be fixed by the board at not less than five hundred dollars (\$500) nor more than one thousand five hundred dollars (\$1,500).

(b) The biennial fee to be paid upon the application for a renewal of a certificate shall be fixed by the board at not less than one hundred fifty dollars (\$150) nor more than one thousand dollars (\$1,000).

(c) The penalty fee for failure to renew a certificate within the prescribed time shall be 50 percent of the renewal fee in effect on the date of the renewal of the license, but not less than seventy-five dollars (\$75) nor more than five hundred dollars (\$500).

(d) The fee to be paid upon the filing of an application for the nurse-midwife equivalency examination shall be fixed by the board at not less than one hundred dollars (\$100) nor more than two hundred dollars (\$200).

(e) The fee to be paid for a temporary certificate shall be fixed by the board at not less than one hundred fifty dollars (\$150) nor more than five hundred dollars (\$500).

~~SEC. 19.~~

SEC. 25. Section 2816 of the Business and Professions Code is amended to read:

2816. The nonrefundable fee to be paid by a registered nurse for an evaluation of his or her qualifications to use the title “public health nurse” shall be equal to the fees set out in subdivision (o) of Section 2815. The fee to be paid upon the application for renewal of the certificate to practice as a public health nurse shall be fixed by the board at not less than one hundred twenty-five dollars (\$125) and not more than five hundred dollars (\$500). All fees payable under this section shall be collected by and paid to the Registered Nursing Fund. It is the intention of the Legislature that the costs of carrying out the purposes of this article shall be covered by the revenue collected pursuant to this section.

1 ~~SEC. 20.~~

2 *SEC. 26.* Section 2830.7 of the Business and Professions Code
3 is amended to read:

4 2830.7. The amount of the fees prescribed by this chapter in
5 connection with the issuance of certificates as nurse anesthetists
6 is that fixed by the following schedule:

7 (a) The fee to be paid upon the filing of an application for a
8 certificate shall be fixed by the board at not less than five hundred
9 dollars (\$500) nor more than one thousand five hundred dollars
10 (\$1,500).

11 (b) The biennial fee to be paid upon the application for a renewal
12 of a certificate shall be fixed by the board at not less than one
13 hundred fifty dollars (\$150) nor more than one thousand dollars
14 (\$1,000).

15 (c) The penalty fee for failure to renew a certificate within the
16 prescribed time shall be 50 percent of the renewal fee in effect on
17 the date of the renewal of the license, but not less than seventy-five
18 dollars (\$75) nor more than five hundred dollars (\$500).

19 (d) The fee to be paid for a temporary certificate shall be fixed
20 by the board at not less than one hundred fifty dollars (\$150) nor
21 more than five hundred dollars (\$500).

22 ~~SEC. 21.~~

23 *SEC. 27.* Section 2836.3 of the Business and Professions Code
24 is amended to read:

25 2836.3. (a) The furnishing of drugs or devices by nurse
26 practitioners is conditional on issuance by the board of a number
27 to the nurse applicant who has successfully completed the
28 requirements of subdivision (g) of Section 2836.1. The number
29 shall be included on all transmittals of orders for drugs or devices
30 by the nurse practitioner. The board shall make the list of numbers
31 issued available to the Board of Pharmacy. The board may charge
32 the applicant a fee to cover all necessary costs to implement this
33 section, that shall be not less than four hundred dollars (\$400) nor
34 more than one thousand five hundred dollars (\$1,500) for an initial
35 application, nor less than one hundred fifty dollars (\$150) nor more
36 than one thousand dollars (\$1,000) for an application for renewal.
37 The board may charge a penalty fee for failure to renew a
38 furnishing number within the prescribed time that shall be not less
39 than seventy-five dollars (\$75) nor more than five hundred dollars
40 (\$500).

1 (b) The number shall be renewable at the time of the applicant's
2 registered nurse license renewal.

3 (c) The board may revoke, suspend, or deny issuance of the
4 numbers for incompetence or gross negligence in the performance
5 of functions specified in Sections 2836.1 and 2836.2.

6 ~~SEC. 22.~~

7 *SEC. 28.* Section 2838.2 of the Business and Professions Code
8 is amended to read:

9 2838.2. (a) A clinical nurse specialist is a registered nurse with
10 advanced education, who participates in expert clinical practice,
11 education, research, consultation, and clinical leadership as the
12 major components of his or her role.

13 (b) The board may establish categories of clinical nurse
14 specialists and the standards required to be met for nurses to hold
15 themselves out as clinical nurse specialists in each category. The
16 standards shall take into account the types of advanced levels of
17 nursing practice that are or may be performed and the clinical and
18 didactic education, experience, or both needed to practice safely
19 at those levels. In setting the standards, the board shall consult
20 with clinical nurse specialists, physicians and surgeons appointed
21 by the Medical Board with expertise with clinical nurse specialists,
22 and health care organizations that utilize clinical nurse specialists.

23 (c) A registered nurse who meets one of the following
24 requirements may apply to become a clinical nurse specialist:

25 (1) Possession of a master's degree in a clinical field of nursing.

26 (2) Possession of a master's degree in a clinical field related to
27 nursing with ~~course work~~ *coursework* in the components referred
28 to in subdivision (a).

29 (3) On or before July 1, 1998, meets the following requirements:

30 (A) Current licensure as a registered nurse.

31 (B) Performs the role of a clinical nurse specialist as described
32 in subdivision (a).

33 (C) Meets any other criteria established by the board.

34 (d) (1) A nonrefundable fee of not less than five hundred dollars
35 (\$500), but not to exceed one thousand five hundred dollars
36 (\$1,500) shall be paid by a registered nurse applying to be a clinical
37 nurse specialist for the evaluation of his or her qualifications to
38 use the title "clinical nurse specialist."

(2) The fee to be paid for a temporary certificate to practice as a clinical nurse specialist shall be not less than thirty dollars (\$30) nor more than fifty dollars (\$50).

(3) A biennial renewal fee shall be paid upon submission of an application to renew the clinical nurse specialist certificate and shall be established by the board at no less than one hundred fifty dollars (\$150) and no more than one thousand dollars (\$1,000).

(4) The penalty fee for failure to renew a certificate within the prescribed time shall be 50 percent of the renewal fee in effect on the date of the renewal of the license, but not less than seventy-five dollars (\$75) nor more than five hundred dollars (\$500).

(5) The fees authorized by this subdivision shall not exceed the amount necessary to cover the costs to the board to administer this section.

~~SEC. 23.~~

SEC. 29. Section 4128.2 of the Business and Professions Code is amended to read:

4128.2. (a) In addition to the pharmacy license requirement described in Section 4110, a centralized hospital packaging pharmacy shall obtain a specialty license from the board prior to engaging in the functions described in Section 4128.

(b) An applicant seeking a specialty license pursuant to this article shall apply to the board on forms established by the board.

(c) Before issuing the specialty license, the board shall inspect the pharmacy and ensure that the pharmacy is in compliance with this article and regulations established by the board.

(d) A license to perform the functions described in Section 4128 may only be issued to a pharmacy that is licensed by the board as a hospital pharmacy.

(e) A license issued pursuant to this article shall be renewed annually and is not transferrable.

(f) An applicant seeking renewal of a specialty license shall apply to the board on forms established by the board.

(g) A license to perform the functions described in Section 4128 shall not be renewed until the pharmacy has been inspected by the board and found to be in compliance with this article and regulations established by the board.

(h) *Until July 1, 2017, the fee for issuance or annual renewal of a centralized hospital packaging pharmacy license shall be six*

1 *hundred dollars (\$600) and may be increased by the board to eight*
2 *hundred dollars (\$800).*

3 *SEC. 30. Section 4170 of the Business and Professions Code*
4 *is amended to read:*

5 4170. (a) No prescriber shall dispense drugs or dangerous
6 devices to patients in his or her office or place of practice unless
7 all of the following conditions are met:

8 (1) The dangerous drugs or dangerous devices are dispensed to
9 the prescriber's own patient, and the drugs or dangerous devices
10 are not furnished by a nurse or physician attendant.

11 (2) The dangerous drugs or dangerous devices are necessary in
12 the treatment of the condition for which the prescriber is attending
13 the patient.

14 (3) The prescriber does not keep a pharmacy, open shop, or
15 drugstore, advertised or otherwise, for the retailing of dangerous
16 drugs, dangerous devices, or poisons.

17 (4) The prescriber fulfills all of the labeling requirements
18 imposed upon pharmacists by Section 4076, all of the
19 recordkeeping requirements of this chapter, and all of the packaging
20 requirements of good pharmaceutical practice, including the use
21 of childproof containers.

22 (5) The prescriber does not use a dispensing device unless he
23 or she personally owns the device and the contents of the device,
24 and personally dispenses the dangerous drugs or dangerous devices
25 to the patient packaged, labeled, and recorded in accordance with
26 paragraph (4).

27 (6) The prescriber, prior to dispensing, offers to give a written
28 prescription to the patient that the patient may elect to have filled
29 by the prescriber or by any pharmacy.

30 (7) The prescriber provides the patient with written disclosure
31 that the patient has a choice between obtaining the prescription
32 from the dispensing prescriber or obtaining the prescription at a
33 pharmacy of the patient's choice.

34 (8) A certified nurse-midwife who functions pursuant to a
35 standardized procedure or protocol described in Section 2746.51,
36 a nurse practitioner who functions pursuant to a standardized
37 procedure described in Section 2836.1, or protocol, a physician
38 assistant who functions pursuant to Section 3502.1, or a
39 naturopathic doctor who functions pursuant to Section 3640.5,
40 may hand to a patient of the supervising physician and surgeon a

1 properly labeled prescription drug prepackaged by a physician and
2 surgeon, a manufacturer as defined in this chapter, or a pharmacist.

3 (b) The Medical Board of California, *the California Board of*
4 *Podiatric Medicine*, the State Board of Optometry, the Bureau of
5 Naturopathic Medicine, the Dental Board of California, the
6 Osteopathic Medical Board of California, the Board of Registered
7 Nursing, the Veterinary Medical Board, and the Physician Assistant
8 Committee shall have authority with the California State Board of
9 Pharmacy to ensure compliance with this section, and those boards
10 are specifically charged with the enforcement of this chapter with
11 respect to their respective licensees.

12 (c) “Prescriber,” as used in this section, means a person, who
13 holds a physician’s and surgeon’s certificate, a license to practice
14 optometry, a license to practice naturopathic medicine, a license
15 to practice dentistry, a license to practice veterinary medicine, or
16 a certificate to practice podiatry, and who is duly registered by the
17 Medical Board of California, *the California Board of Podiatric*
18 *Medicine*, the State Board of Optometry, the Bureau of
19 Naturopathic Medicine, the Dental Board of California, the
20 Veterinary Medical Board, or the Board of Osteopathic Examiners
21 of this state.

22 *SEC. 31. Section 4175 of the Business and Professions Code*
23 *is amended to read:*

24 4175. (a) The California State Board of Pharmacy shall
25 promptly forward to the appropriate licensing entity, including the
26 Medical Board of California, *the California Board of Podiatric*
27 *Medicine*, the Veterinary Medical Board, the Dental Board of
28 California, the State Board of Optometry, the Osteopathic Medical
29 Board of California, the Board of Registered Nursing, the Bureau
30 of Naturopathic Medicine, or the Physician Assistant Committee,
31 all complaints received related to dangerous drugs or dangerous
32 devices dispensed by a prescriber, certified nurse-midwife, nurse
33 practitioner, naturopathic doctor, or physician assistant pursuant
34 to Section 4170.

35 (b) All complaints involving serious bodily injury due to
36 dangerous drugs or dangerous devices dispensed by prescribers,
37 certified nurse-midwives, nurse practitioners, naturopathic doctors,
38 or physician assistants pursuant to Section 4170 shall be handled
39 by the Medical Board of California, *the California Board of*
40 *Podiatric Medicine*, the Dental Board of California, the State Board

1 of Optometry, the Osteopathic Medical Board of California, the
2 Bureau of Naturopathic Medicine, the Board of Registered Nursing,
3 the Veterinary Medical Board, or the Physician Assistant
4 Committee as a case of greatest potential harm to a patient.

5 ~~SEC. 24.~~

6 *SEC. 32.* Section 4400 of the Business and Professions Code
7 is amended to read:

8 4400. The amount of fees and penalties prescribed by this
9 chapter, except as otherwise provided, is that fixed by the board
10 according to the following schedule:

11 (a) The fee for a nongovernmental pharmacy license shall be
12 four hundred dollars (\$400) and may be increased to five hundred
13 twenty dollars (\$520). The fee for the issuance of a temporary
14 nongovernmental pharmacy permit shall be two hundred fifty
15 dollars (\$250) and may be increased to three hundred twenty-five
16 dollars (\$325).

17 (b) The fee for a nongovernmental pharmacy license annual
18 renewal shall be two hundred fifty dollars (\$250) and may be
19 increased to three hundred twenty-five dollars (\$325).

20 (c) The fee for the pharmacist application and examination shall
21 be two hundred dollars (\$200) and may be increased to two
22 hundred sixty dollars (\$260).

23 (d) The fee for regrading an examination shall be ninety dollars
24 (\$90) and may be increased to one hundred fifteen dollars (\$115).
25 If an error in grading is found and the applicant passes the
26 examination, the regrading fee shall be refunded.

27 (e) The fee for a pharmacist license and biennial renewal shall
28 be one hundred fifty dollars (\$150) and may be increased to one
29 hundred ninety-five dollars (\$195).

30 (f) The fee for a nongovernmental wholesaler or third-party
31 logistics provider license and annual renewal shall be seven
32 hundred eighty dollars (\$780) and may be decreased to no less
33 than six hundred dollars (\$600). The application fee for any
34 additional location after licensure of the first 20 locations shall be
35 three hundred dollars (\$300) and may be decreased to no less than
36 two hundred twenty-five dollars (\$225). A temporary license fee
37 shall be seven hundred fifteen dollars (\$715) and may be decreased
38 to no less than five hundred fifty dollars (\$550).

(g) The fee for a hypodermic license and renewal shall be one hundred twenty-five dollars (\$125) and may be increased to one hundred sixty-five dollars (\$165).

(h) (1) The fee for application, investigation, and issuance of a license as a designated representative pursuant to Section 4053, or as a designated representative-3PL pursuant to Section 4053.1, shall be three hundred thirty dollars (\$330) and may be decreased to no less than two hundred fifty-five dollars (\$255).

(2) The fee for the annual renewal of a license as a designated representative or designated representative-3PL shall be one hundred ninety-five dollars (\$195) and may be decreased to no less than one hundred fifty dollars (\$150).

(i) (1) The fee for the application, investigation, and issuance of a license as a designated representative for a veterinary food-animal drug retailer pursuant to Section 4053 shall be three hundred thirty dollars (\$330) and may be decreased to no less than two hundred fifty-five dollars (\$255).

(2) The fee for the annual renewal of a license as a designated representative for a veterinary food-animal drug retailer shall be one hundred ninety-five dollars (\$195) and may be decreased to no less than one hundred fifty dollars (\$150).

(j) (1) The application fee for a nonresident wholesaler or third-party logistics provider license issued pursuant to Section 4161 shall be seven hundred eighty dollars (\$780) and may be decreased to no less than six hundred dollars (\$600).

(2) For nonresident wholesalers or third-party logistics providers that have 21 or more facilities operating nationwide the application fees for the first 20 locations shall be seven hundred eighty dollars (\$780) and may be decreased to no less than six hundred dollars (\$600). The application fee for any additional location after licensure of the first 20 locations shall be three hundred dollars (\$300) and may be decreased to no less than two hundred twenty-five dollars (\$225). A temporary license fee shall be seven hundred fifteen dollars (\$715) and may be decreased to no less than five hundred fifty dollars (\$550).

(3) The annual renewal fee for a nonresident wholesaler license or third-party logistics provider license issued pursuant to Section 4161 shall be seven hundred eighty dollars (\$780) and may be decreased to no less than six hundred dollars (\$600).

1 (k) The fee for evaluation of continuing education courses for
2 accreditation shall be set by the board at an amount not to exceed
3 forty dollars (\$40) per course hour.

4 (l) The fee for an intern pharmacist license shall be ninety dollars
5 (\$90) and may be increased to one hundred fifteen dollars (\$115).
6 The fee for transfer of intern hours or verification of licensure to
7 another state shall be twenty-five dollars (\$25) and may be
8 increased to thirty dollars (\$30).

9 (m) The board may waive or refund the additional fee for the
10 issuance of a license where the license is issued less than 45 days
11 before the next regular renewal date.

12 (n) The fee for the reissuance of any license, or renewal thereof,
13 that has been lost or destroyed or reissued due to a name change
14 shall be thirty-five dollars (\$35) and may be increased to forty-five
15 dollars (\$45).

16 (o) The fee for the reissuance of any license, or renewal thereof,
17 that must be reissued because of a change in the information, shall
18 be one hundred dollars (\$100) and may be increased to one hundred
19 thirty dollars (\$130).

20 (p) It is the intent of the Legislature that, in setting fees pursuant
21 to this section, the board shall seek to maintain a reserve in the
22 Pharmacy Board Contingent Fund equal to approximately one
23 year's operating expenditures.

24 (q) The fee for any applicant for a nongovernmental clinic
25 license shall be four hundred dollars (\$400) and may be increased
26 to five hundred twenty dollars (\$520) for each license. The annual
27 fee for renewal of the license shall be two hundred fifty dollars
28 (\$250) and may be increased to three hundred twenty-five dollars
29 (\$325) for each license.

30 (r) The fee for the issuance of a pharmacy technician license
31 shall be eighty dollars (\$80) and may be increased to one hundred
32 five dollars (\$105). The fee for renewal of a pharmacy technician
33 license shall be one hundred dollars (\$100) and may be increased
34 to one hundred thirty dollars (\$130).

35 (s) The fee for a veterinary food-animal drug retailer license
36 shall be four hundred five dollars (\$405) and may be increased to
37 four hundred twenty-five dollars (\$425). The annual renewal fee
38 for a veterinary food-animal drug retailer license shall be two
39 hundred fifty dollars (\$250) and may be increased to three hundred
40 twenty-five dollars (\$325).

(t) The fee for issuance of a retired license pursuant to Section 4200.5 shall be thirty-five dollars (\$35) and may be increased to forty-five dollars (\$45).

(u) The fee for issuance or renewal of a nongovernmental sterile compounding pharmacy license shall be six hundred dollars (\$600) and may be increased to seven hundred eighty dollars (\$780). The fee for a temporary license shall be five hundred fifty dollars (\$550) and may be increased to seven hundred fifteen dollars (\$715).

(v) The fee for the issuance or renewal of a nonresident sterile compounding pharmacy license shall be seven hundred eighty dollars (\$780). In addition to paying that application fee, the nonresident sterile compounding pharmacy shall deposit, when submitting the application, a reasonable amount, as determined by the board, necessary to cover the board's estimated cost of performing the inspection required by Section 4127.2. If the required deposit is not submitted with the application, the application shall be deemed to be incomplete. If the actual cost of the inspection exceeds the amount deposited, the board shall provide to the applicant a written invoice for the remaining amount and shall not take action on the application until the full amount has been paid to the board. If the amount deposited exceeds the amount of actual and necessary costs incurred, the board shall remit the difference to the applicant.

(w) This section shall become inoperative on July 1, 2017, and as of January 1, 2018, is repealed.

~~SEC. 25.~~

SEC. 33. Section 4400 is added to the Business and Professions Code, to read:

4400. The amount of fees and penalties prescribed by this chapter, except as otherwise provided, is that fixed by the board according to the following schedule:

(a) The fee for a nongovernmental pharmacy license shall be five hundred twenty dollars (\$520) and may be increased to five hundred seventy dollars (\$570). The fee for the issuance of a temporary nongovernmental pharmacy permit shall be two hundred fifty dollars (\$250) and may be increased to three hundred twenty-five dollars (\$325).

(b) The fee for a nongovernmental pharmacy license annual renewal shall be six hundred sixty-five dollars (\$665) and may be increased to nine hundred thirty dollars (\$930).

1 (c) The fee for the pharmacist application and examination shall
2 be two hundred sixty dollars (\$260) and may be increased to two
3 hundred eighty-five dollars (\$285).

4 (d) The fee for regrading an examination shall be ninety dollars
5 (\$90) and may be increased to one hundred fifteen dollars (\$115).
6 If an error in grading is found and the applicant passes the
7 examination, the regrading fee shall be refunded.

8 (e) The fee for a pharmacist license shall be one hundred
9 ninety-five dollars (\$195) and may be increased to two hundred
10 fifteen dollars (\$215). The fee for a pharmacist biennial renewal
11 shall be three hundred sixty dollars (\$360) and may be increased
12 to five hundred five dollars (\$505).

13 (f) The fee for a nongovernmental wholesaler or third-party
14 logistics provider license and annual renewal shall be seven
15 hundred eighty dollars (\$780) and may be increased to eight
16 hundred twenty dollars (\$820). The application fee for any
17 additional location after licensure of the first 20 locations shall be
18 three hundred dollars (\$300) and may be decreased to no less than
19 two hundred twenty-five dollars (\$225). A temporary license fee
20 shall be seven hundred fifteen dollars (\$715) and may be decreased
21 to no less than five hundred fifty dollars (\$550).

22 (g) The fee for a hypodermic license shall be one hundred
23 seventy dollars (\$170) and may be increased to two hundred forty
24 dollars (\$240). The fee for a hypodermic license renewal shall be
25 two hundred dollars (\$200) and may be increased to two hundred
26 eighty dollars (\$280).

27 (h) (1) The fee for application, investigation, and issuance of
28 a license as a designated representative pursuant to Section 4053,
29 or as a designated representative-3PL pursuant to Section 4053.1,
30 shall be one hundred fifty dollars (\$150) and may be increased to
31 two hundred ten dollars (\$210).

32 (2) The fee for the annual renewal of a license as a designated
33 representative or designated representative-3PL shall be two
34 hundred fifteen dollars (\$215) and may be increased to three
35 hundred dollars (\$300).

36 (i) (1) The fee for the application, investigation, and issuance
37 of a license as a designated representative for a veterinary
38 food-animal drug retailer pursuant to Section 4053 shall be one
39 hundred fifty dollars (\$150) and may be increased to two hundred
40 ten dollars (\$210).

(2) The fee for the annual renewal of a license as a designated representative for a veterinary food-animal drug retailer shall be two hundred fifteen dollars (\$215) and may be increased to three hundred dollars (\$300).

(j) (1) The application fee for a nonresident wholesaler or third-party logistics provider license issued pursuant to Section 4161 shall be seven hundred eighty dollars (\$780) and may be increased to eight hundred twenty dollars (\$820).

(2) For nonresident wholesalers or third-party logistics providers that have 21 or more facilities operating nationwide the application fees for the first 20 locations shall be seven hundred eighty dollars (\$780) and may be increased to eight hundred twenty dollars (\$820). The application fee for any additional location after licensure of the first 20 locations shall be three hundred dollars (\$300) and may be decreased to no less than two hundred twenty-five dollars (\$225). A temporary license fee shall be seven hundred fifteen dollars (\$715) and may be decreased to no less than five hundred fifty dollars (\$550).

(3) The annual renewal fee for a nonresident wholesaler license or third-party logistics provider license issued pursuant to Section 4161 shall be seven hundred eighty dollars (\$780) and may be increased to eight hundred twenty dollars (\$820).

(k) The fee for evaluation of continuing education courses for accreditation shall be set by the board at an amount not to exceed forty dollars (\$40) per course hour.

(l) The fee for an intern pharmacist license shall be one hundred sixty-five dollars (\$165) and may be increased to two hundred thirty dollars (\$230). The fee for transfer of intern hours or verification of licensure to another state shall be twenty-five dollars (\$25) and may be increased to thirty dollars (\$30).

(m) The board may waive or refund the additional fee for the issuance of a license where the license is issued less than 45 days before the next regular renewal date.

(n) The fee for the reissuance of any license, or renewal thereof, that has been lost or destroyed or reissued due to a name change shall be thirty-five dollars (\$35) and may be increased to forty-five dollars (\$45).

(o) The fee for the reissuance of any license, or renewal thereof, that must be reissued because of a change in the information, shall

1 be one hundred dollars (\$100) and may be increased to one hundred
2 thirty dollars (\$130).

3 (p) It is the intent of the Legislature that, in setting fees pursuant
4 to this section, the board shall seek to maintain a reserve in the
5 Pharmacy Board Contingent Fund equal to approximately one
6 year's operating expenditures.

7 (q) The fee for any applicant for a nongovernmental clinic
8 license shall be five hundred twenty dollars (\$520) for each license
9 and may be increased to five hundred seventy dollars (\$570). The
10 annual fee for renewal of the license shall be three hundred
11 twenty-five dollars (\$325) for each license and may be increased
12 to three hundred sixty dollars (\$360).

13 (r) The fee for the issuance of a pharmacy technician license
14 shall be one hundred forty dollars (\$140) and may be increased to
15 one hundred ninety-five dollars (\$195). The fee for renewal of a
16 pharmacy technician license shall be one hundred forty dollars
17 (\$140) and may be increased to one hundred ninety-five dollars
18 (\$195).

19 (s) The fee for a veterinary food-animal drug retailer license
20 shall be four hundred thirty-five dollars (\$435) and may be
21 increased to six hundred ten dollars (\$610). The annual renewal
22 fee for a veterinary food-animal drug retailer license shall be three
23 hundred thirty dollars (\$330) and may be increased to four hundred
24 sixty dollars (\$460).

25 (t) The fee for issuance of a retired license pursuant to Section
26 4200.5 shall be thirty-five dollars (\$35) and may be increased to
27 forty-five dollars (\$45).

28 (u) The fee for issuance of a nongovernmental sterile
29 compounding pharmacy license shall be one thousand six hundred
30 forty-five dollars (\$1,645) and may be increased to two thousand
31 three hundred five dollars (\$2,305). The fee for a temporary license
32 shall be five hundred fifty dollars (\$550) and may be increased to
33 seven hundred fifteen dollars (\$715). The annual renewal fee of
34 the license shall be one thousand three hundred twenty-five dollars
35 (\$1,325) and may be increased to one thousand eight hundred
36 fifty-five dollars (\$1,855).

37 (v) The fee for the issuance of a nonresident sterile compounding
38 pharmacy license shall be two thousand three hundred eighty
39 dollars (\$2,380) and may be increased to three thousand three
40 hundred thirty-five dollars (\$3,335). The annual renewal of the

1 license shall be two thousand two hundred seventy dollars (\$2,270)
2 and may be increased to three thousand one hundred eighty dollars
3 (\$3,180). In addition to paying that application fee, the nonresident
4 sterile compounding pharmacy shall deposit, when submitting the
5 application, a reasonable amount, as determined by the board,
6 necessary to cover the board's estimated cost of performing the
7 inspection required by Section 4127.2. If the required deposit is
8 not submitted with the application, the application shall be deemed
9 to be incomplete. If the actual cost of the inspection exceeds the
10 amount deposited, the board shall provide to the applicant a written
11 invoice for the remaining amount and shall not take action on the
12 application until the full amount has been paid to the board. If the
13 amount deposited exceeds the amount of actual and necessary
14 costs incurred, the board shall remit the difference to the applicant.

15 (w) The fee for the issuance of a centralized hospital packaging
16 license shall be eight hundred twenty dollars (\$820) and may be
17 increased to one thousand one hundred fifty dollars (\$1,150). The
18 annual renewal of the license shall be eight hundred five dollars
19 (\$805) and may be increased to one thousand one hundred
20 twenty-five dollars (\$1,125).

21 (x) This section shall become operative on July 1, 2017.

22 *SEC. 34. Section 4830 of the Business and Professions Code*
23 *is amended to read:*

24 4830. (a) This chapter does not apply to:

25 (1) Veterinarians while serving in any armed branch of the
26 military service of the United States or the United States
27 Department of Agriculture while actually engaged and employed
28 in their official capacity.

29 ~~(2) Regularly licensed veterinarians in actual consultation from~~
30 ~~other states.~~

31 ~~(3) Regularly licensed veterinarians actually called from other~~
32 ~~states to attend cases in this state, but who do not open an office~~
33 ~~or appoint a place to do business within this state.~~

34 (2) Veterinarians holding a current, valid license in good
35 standing in another state or country who provide assistance to a
36 California licensed veterinarian and attend on a specific case. The
37 California licensed veterinarian shall maintain a valid
38 veterinarian-client-patient relationship. The veterinarian providing
39 the assistance shall not establish a veterinarian-client-patient
40 relationship with the client by attending the case or at a future

1 *time and shall not practice veterinary medicine, open an office,*
2 *appoint a place to meet patients, communicate with clients who*
3 *reside within the limits of this state, give orders, or have ultimate*
4 *authority over the care or primary diagnosis of a patient that is*
5 *located within this state.*

6 (3) Veterinarians called into the state by a law enforcement
7 agency or animal control agency pursuant to subdivision (b).

8 (4) Veterinarians employed by the University of California
9 while engaged in the performance of duties in connection with the
10 College of Agriculture, the Agricultural Experiment Station, the
11 School of Veterinary Medicine, or the agricultural extension work
12 of the university or employed by the Western University of Health
13 Sciences while engaged in the performance of duties in connection
14 with the College of Veterinary Medicine or the agricultural
15 extension work of the university.

16 (5) Students in the School of Veterinary Medicine of the
17 University of California or the College of Veterinary Medicine of
18 the Western University of Health Sciences who participate in
19 diagnosis and treatment as part of their educational experience,
20 including those in off-campus educational programs under the
21 direct supervision of a licensed veterinarian in good standing, as
22 defined in paragraph (1) of subdivision (b) of Section 4848,
23 appointed by the University of California, Davis, or the Western
24 University of Health Sciences.

25 (6) A veterinarian who is employed by the Meat and Poultry
26 Inspection Branch of the California Department of Food and
27 Agriculture while actually engaged and employed in his or her
28 official capacity. A person exempt under this paragraph shall not
29 otherwise engage in the practice of veterinary medicine unless he
30 or she is issued a license by the board.

31 (7) Unlicensed personnel employed by the Department of Food
32 and Agriculture or the United States Department of Agriculture
33 when in the course of their duties they are directed by a veterinarian
34 supervisor to conduct an examination, obtain biological specimens,
35 apply biological tests, or administer medications or biological
36 products as part of government disease or condition monitoring,
37 investigation, control, or eradication activities.

38 (b) (1) For purposes of paragraph (3) of subdivision (a), a
39 regularly licensed veterinarian in good standing who is called from
40 another state by a law enforcement agency or animal control

1 agency, as defined in Section 31606 of the Food and Agricultural
2 Code, to attend to cases that are a part of an investigation of an
3 alleged violation of federal or state animal fighting or animal
4 cruelty laws within a single geographic location shall be exempt
5 from the licensing requirements of this chapter if the law
6 enforcement agency or animal control agency determines that it
7 is necessary to call the veterinarian in order for the agency or
8 officer to conduct the investigation in a timely, efficient, and
9 effective manner. In determining whether it is necessary to call a
10 veterinarian from another state, consideration shall be given to the
11 availability of veterinarians in this state to attend to these cases.
12 An agency, department, or officer that calls a veterinarian pursuant
13 to this subdivision shall notify the board of the investigation.

14 (2) Notwithstanding any other provision of this chapter, a
15 regularly licensed veterinarian in good standing who is called from
16 another state to attend to cases that are a part of an investigation
17 described in paragraph (1) may provide veterinary medical care
18 for animals that are affected by the investigation with a temporary
19 shelter facility, and the temporary shelter facility shall be exempt
20 from the registration requirement of Section 4853 if all of the
21 following conditions are met:

22 (A) The temporary shelter facility is established only for the
23 purpose of the investigation.

24 (B) The temporary shelter facility provides veterinary medical
25 care, shelter, food, and water only to animals that are affected by
26 the investigation.

27 (C) The temporary shelter facility complies with Section 4854.

28 (D) The temporary shelter facility exists for not more than 60
29 days, unless the law enforcement agency or animal control agency
30 determines that a longer period of time is necessary to complete
31 the investigation.

32 (E) Within 30 calendar days upon completion of the provision
33 of veterinary health care services at a temporary shelter facility
34 established pursuant to this section, the veterinarian called from
35 another state by a law enforcement agency or animal control agency
36 to attend to a case shall file a report with the board. The report
37 shall contain the date, place, type, and general description of the
38 care provided, along with a listing of the veterinary health care
39 practitioners who participated in providing that care.

1 (c) For purposes of paragraph (3) of subdivision (a), the board
2 may inspect temporary facilities established pursuant to this
3 section.

4 ~~SEC. 26.~~

5 *SEC. 35.* Section 4999 of the Business and Professions Code
6 is amended to read:

7 4999. “Telephone medical advice service” means any business
8 entity that employs, or contracts or subcontracts, directly or
9 indirectly, with, the full-time equivalent of five or more persons
10 functioning as health care professionals, whose primary function
11 is to provide telephone medical advice, that provides telephone
12 medical advice services to a patient at a California address.
13 “Telephone medical advice service” does not include a medical
14 group that operates in multiple locations in California if no more
15 than five full-time equivalent persons at any one location perform
16 telephone medical advice services and those persons limit the
17 telephone medical advice services to patients being treated at that
18 location.

19 ~~SEC. 27.~~

20 *SEC. 36.* Section 4999.1 of the Business and Professions Code
21 is repealed.

22 ~~SEC. 28.~~

23 *SEC. 37.* Section 4999.2 of the Business and Professions Code
24 is amended to read:

25 4999.2. A telephone medical advice service shall be responsible
26 for complying with the following requirements:

27 (a) (1) Ensuring that all health care professionals who provide
28 medical advice services are appropriately licensed, certified, or
29 registered as a physician and surgeon pursuant to Chapter 5
30 (commencing with Section 2000) or the Osteopathic Initiative Act,
31 as a dentist, dental hygienist, dental hygienist in alternative
32 practice, or dental hygienist in extended functions pursuant to
33 Chapter 4 (commencing with Section 1600), as an occupational
34 therapist pursuant to Chapter 5.6 (commencing with Section 2570),
35 as a registered nurse pursuant to Chapter 6 (commencing with
36 Section 2700), as a psychologist pursuant to Chapter 6.6
37 (commencing with Section 2900), as a naturopathic doctor pursuant
38 to Chapter 8.2 (commencing with Section 3610), as a marriage
39 and family therapist pursuant to Chapter 13 (commencing with
40 Section 4980), as a licensed clinical social worker pursuant to

Chapter 14 (commencing with Section 4991), as a licensed professional clinical counselor pursuant to Chapter 16 (commencing with Section 4999.10), as an optometrist pursuant to Chapter 7 (commencing with Section 3000), or as a chiropractor pursuant to the Chiropractic Initiative Act, and operating consistent with the laws governing their respective scopes of practice in the state within which they provide telephone medical advice services, except as provided in subdivision (b).

(2) Ensuring that all health care professionals who provide telephone medical advice services from an out-of-state location, as identified in paragraph (1), are licensed, registered, or certified in the state within which they are providing the telephone medical advice services and are operating consistent with the laws governing their respective scopes of practice.

(b) Ensuring that the telephone medical advice provided is consistent with good professional practice.

(c) Maintaining records of telephone medical advice services, including records of complaints, provided to patients in California for a period of at least five years.

(d) Ensuring that no staff member uses a title or designation when speaking to an enrollee, subscriber, or consumer that may cause a reasonable person to believe that the staff member is a licensed, certified, or registered health care professional described in paragraph (1) of subdivision (a), unless the staff member is a licensed, certified, or registered professional.

(e) Complying with all directions and requests for information made by the department.

(f) Notifying the department within 30 days of any change of name, physical location, mailing address, or telephone number of any business, owner, partner, corporate officer, or agent for service of process in California, together with copies of all resolutions or other written communications that substantiate these changes.

~~SEC. 29.~~

~~SEC. 38.~~ Section 4999.3 of the Business and Professions Code is repealed.

~~SEC. 30.~~

~~SEC. 39.~~ Section 4999.4 of the Business and Professions Code is repealed.

~~SEC. 31.~~

~~SEC. 40.~~ Section 4999.5 of the Business and Professions Code is repealed.

~~SEC. 32.~~

~~SEC. 41.~~ Section 4999.5 is added to the Business and Professions Code, to read:

4999.5. The respective healing arts licensing boards shall be responsible for enforcing this chapter and any other laws and regulations affecting California licensed health care professionals providing telephone medical advice services.

~~SEC. 33.~~

~~SEC. 42.~~ Section 4999.6 of the Business and Professions Code is repealed.

~~SEC. 34.~~ ~~Section 7137 of the Business and Professions Code is amended to read:~~

~~7137. The board shall set fees by regulation. These fees shall not exceed the following schedule:~~

~~(a) (1) The application fee for an original license in a single classification shall not be more than three hundred sixty dollars (\$360).~~

~~(2) The application fee for each additional classification applied for in connection with an original license shall not be more than seventy-five dollars (\$75).~~

~~(3) The application fee for each additional classification pursuant to Section 7059 shall not be more than three hundred dollars (\$300).~~

~~(4) The application fee to replace a responsible managing officer, responsible managing manager, responsible managing member, or responsible managing employee pursuant to Section 7068.2 shall not be more than three hundred dollars (\$300).~~

~~(5) The application fee to add personnel, other than a qualifying individual, to an existing license shall not be more than one hundred fifty dollars (\$150).~~

~~(b) The fee for rescheduling an examination for an applicant who has applied for an original license, additional classification, a change of responsible managing officer, responsible managing manager, responsible managing member, or responsible managing employee, or for an asbestos certification or hazardous substance removal certification, shall not be more than sixty dollars (\$60).~~

1 ~~(e) The fee for scheduling or rescheduling an examination for~~
2 ~~a licensee who is required to take the examination as a condition~~
3 ~~of probation shall not be more than sixty dollars (\$60).~~

4 ~~(d) The initial license fee for an active or inactive license shall~~
5 ~~not be more than two hundred twenty dollars (\$220).~~

6 ~~(e) (1) The renewal fee for an active license shall not be more~~
7 ~~than four hundred thirty dollars (\$430).~~

8 ~~(2) The renewal fee for an inactive license shall not be more~~
9 ~~than two hundred twenty dollars (\$220).~~

10 ~~(f) The delinquency fee is an amount equal to 50 percent of the~~
11 ~~renewal fee, if the license is renewed after its expiration.~~

12 ~~(g) The registration fee for a home improvement salesperson~~
13 ~~shall not be more than ninety dollars (\$90).~~

14 ~~(h) The renewal fee for a home improvement salesperson~~
15 ~~registration shall not be more than ninety dollars (\$90).~~

16 ~~(i) The application fee for an asbestos certification examination~~
17 ~~shall not be more than ninety dollars (\$90).~~

18 ~~(j) The application fee for a hazardous substance removal or~~
19 ~~remedial action certification examination shall not be more than~~
20 ~~ninety dollars (\$90).~~

21 ~~(k) In addition to any other fees charged to C-10 and C-7~~
22 ~~contractors, the board may charge a fee not to exceed twenty dollars~~
23 ~~(\$20), which shall be used by the board to enforce provisions of~~
24 ~~the Labor Code related to electrician certification.~~

25 ~~(l) The board shall, by regulation, establish criteria for the~~
26 ~~approval of expedited processing of applications. Approved~~
27 ~~expedited processing of applications for licensure or registration,~~
28 ~~as required by other provisions of law, shall not be subject to this~~
29 ~~subdivision.~~

30 *SEC. 43. Section 7137 of the Business and Professions Code*
31 *is amended to read:*

32 7137. The board shall set fees by regulation. These fees shall
33 not exceed the following schedule:

34 (a) The application fee for an original license in a single
35 classification shall not be more than three hundred dollars (\$300).

36 The application fee for each additional classification applied for
37 in connection with an original license shall not be more than
38 seventy-five dollars (\$75).

39 The application fee for each additional classification pursuant
40 to Section 7059 shall not be more than seventy-five dollars (\$75).

1 The application fee to replace a responsible managing officer,
2 responsible managing manager, responsible managing member,
3 or responsible managing employee pursuant to Section 7068.2
4 shall not be more than seventy-five dollars (\$75).

5 (b) The fee for rescheduling an examination for an applicant
6 who has applied for an original license, additional classification,
7 a change of responsible managing officer, responsible managing
8 manager, responsible managing member, or responsible managing
9 employee, or for an asbestos certification or hazardous substance
10 removal certification, shall not be more than sixty dollars (\$60).

11 (c) The fee for scheduling or rescheduling an examination for
12 a licensee who is required to take the examination as a condition
13 of probation shall not be more than sixty dollars (\$60).

14 (d) The initial license fee for an active or inactive license shall
15 not be more than one hundred eighty dollars (\$180).

16 (e) The renewal fee for an active license shall not be more than
17 three hundred sixty dollars (\$360).

18 The renewal fee for an inactive license shall not be more than
19 one hundred eighty dollars (\$180).

20 (f) The delinquency fee is an amount equal to 50 percent of the
21 renewal fee, if the license is renewed after its expiration.

22 (g) The registration fee for a home improvement salesperson
23 shall not be more than seventy-five dollars (\$75).

24 (h) The renewal fee for a home improvement salesperson
25 registration shall not be more than seventy-five dollars (\$75).

26 (i) The application fee for an asbestos certification examination
27 shall not be more than seventy-five dollars (\$75).

28 (j) The application fee for a hazardous substance removal or
29 remedial action certification examination shall not be more than
30 seventy-five dollars (\$75).

31 (k) In addition to any other fees charged to C-10 and C-7
32 contractors, the board may charge a fee not to exceed twenty dollars
33 (\$20), which shall be used by the board to enforce provisions of
34 the Labor Code related to electrician certification.

35 (l) *This section shall become inoperative on July 1, 2017, and*
36 *as of January 1, 2018, is repealed.*

37 *SEC. 44. Section 7137 is added to the Business and Professions*
38 *Code, to read:*

39 *7137. The board may set fees by regulation. These fees shall*
40 *be set according to the following schedule:*

1 (a) (1) The application fee for an original license in a single
2 classification shall be three hundred thirty dollars (\$330) and may
3 be increased to not more than three hundred seventy-five dollars
4 (\$375).

5 (2) The application fee for each additional classification applied
6 for in connection with an original license shall not be more than
7 eighty-five dollars (\$85).

8 (3) The application fee for each additional classification
9 pursuant to Section 7059 shall be one hundred fifty dollars (\$150)
10 and may be increased to not more than one hundred seventy-five
11 dollars (\$175).

12 (4) The application fee to replace a responsible managing
13 officer, responsible managing manager, responsible managing
14 member, or responsible managing employee pursuant to Section
15 7068.2 shall be one hundred fifty dollars (\$150) and may be
16 increased to not more than one hundred seventy-five dollars (\$175).

17 (5) The application fee to add personnel, other than a qualifying
18 individual, to an existing license shall be one hundred dollars
19 (\$100) and may be increased to not more than one hundred fifteen
20 dollars (\$115).

21 (b) The fee for rescheduling an examination for an applicant
22 who has applied for an original license, additional classification,
23 a change of responsible managing officer, responsible managing
24 manager, responsible managing member, or responsible managing
25 employee, or for an asbestos certification or hazardous substance
26 removal certification, shall not be more than seventy dollars (\$70).

27 (c) The fee for scheduling or rescheduling an examination for
28 a licensee who is required to take the examination as a condition
29 of probation shall not be more than seventy dollars (\$70).

30 (d) The initial license fee for an active or inactive license shall
31 be two hundred dollars (\$200) and may be increased to not more
32 than two hundred twenty-five dollars (\$225).

33 (e) (1) The renewal fee for an active license shall be four
34 hundred dollars (\$400) and may be increased to not more than
35 four hundred fifty dollars (\$450).

36 (2) The renewal fee for an inactive license shall be two hundred
37 dollars (\$200) and may be increased to not more than two hundred
38 twenty-five dollars (\$225).

39 (f) The delinquency fee is an amount equal to 50 percent of the
40 renewal fee, if the license is renewed after its expiration.

1 (g) *The registration fee for a home improvement salesperson*
2 *shall be eighty-three dollars (\$83) and may be increased to not*
3 *more than ninety-five dollars (\$95).*

4 (h) *The renewal fee for a home improvement salesperson*
5 *registration shall be eighty-three dollars (\$83) and may be*
6 *increased to not more than ninety-five dollars (\$95).*

7 (i) *The application fee for an asbestos certification examination*
8 *shall be eighty-three dollars (\$83) and may be increased to not*
9 *more than ninety-five dollars (\$95).*

10 (j) *The application fee for a hazardous substance removal or*
11 *remedial action certification examination shall be eighty-three*
12 *dollars (\$83) and may be increased to not more than ninety-five*
13 *dollars (\$95).*

14 (k) *In addition to any other fees charged to C-10 and C-7*
15 *contractors, the board may charge a fee not to exceed twenty*
16 *dollars (\$20), which shall be used by the board to enforce*
17 *provisions of the Labor Code related to electrician certification.*

18 (l) *The board shall, by regulation, establish criteria for the*
19 *approval of expedited processing of applications. Approved*
20 *expedited processing of applications for licensure or registration,*
21 *as required by other provisions of law, shall not be subject to this*
22 *subdivision.*

23 (m) *This section shall become operative on July 1, 2017.*

24 ~~SEC. 35.~~

25 SEC. 45. Section 7153.3 of the Business and Professions Code
26 is amended to read:

27 7153.3. (a) To renew a home improvement salesperson
28 registration, which has not expired, the registrant shall before the
29 time at which the registration would otherwise expire, apply for
30 renewal on a form prescribed by the registrar and pay a renewal
31 fee prescribed by this chapter. Renewal of an unexpired registration
32 shall continue the registration in effect for the two-year period
33 following the expiration date of the registration, when it shall
34 expire if it is not again renewed.

35 (b) An application for renewal of registration is delinquent if
36 the application is not postmarked or received via electronic
37 transmission as authorized by Section 7156.6 by the date on which
38 the registration would otherwise expire. A registration may,
39 however, still be renewed at any time within three years after its
40 expiration upon the filing of an application for renewal on a form

1 prescribed by the registrar and the payment of the renewal fee
2 prescribed by this chapter and a delinquent renewal penalty equal
3 ~~to 50 percent of the renewal fee. in the amount of twenty-five~~
4 *dollars (\$25)*. If a registration is not renewed within three years,
5 the person shall make a new application for registration pursuant
6 to Section 7153.1.

7 (c) The registrar may refuse to renew a registration for failure
8 by the registrant to complete the application for renewal of
9 registration. If a registrant fails to return the application rejected
10 for insufficiency or incompleteness within 90 days from the
11 original date of rejection, the application and fee shall be deemed
12 abandoned. Any application abandoned may not be reinstated.
13 However, the person may file a new application for registration
14 pursuant to Section 7153.1.

15 The registrar may review and accept the petition of a person who
16 disputes the abandonment of his or her renewal application upon
17 a showing of good cause. This petition shall be received within 90
18 days of the date the application for renewal is deemed abandoned.

19 *(d) This section shall become inoperative on July 1, 2017, and*
20 *as of January 1, 2018, is repealed.*

21 *SEC. 46. Section 7153.3 is added to the Business and*
22 *Professions Code, to read:*

23 *7153.3. (a) To renew a home improvement salesperson*
24 *registration, which has not expired, the registrant shall before the*
25 *time at which the registration would otherwise expire, apply for*
26 *renewal on a form prescribed by the registrar and pay a renewal*
27 *fee prescribed by this chapter. Renewal of an unexpired*
28 *registration shall continue the registration in effect for the two-year*
29 *period following the expiration date of the registration, when it*
30 *shall expire if it is not again renewed.*

31 *(b) An application for renewal of registration is delinquent if*
32 *the application is not postmarked or received via electronic*
33 *transmission as authorized by Section 7156.6 by the date on which*
34 *the registration would otherwise expire. A registration may,*
35 *however, still be renewed at any time within three years after its*
36 *expiration upon the filing of an application for renewal on a form*
37 *prescribed by the registrar and the payment of the renewal fee*
38 *prescribed by this chapter and a delinquent renewal penalty equal*
39 *to 50 percent of the renewal fee. If a registration is not renewed*

1 *within three years, the person shall make a new application for*
2 *registration pursuant to Section 7153.1.*

3 *(c) (1) The registrar may refuse to renew a registration for*
4 *failure by the registrant to complete the application for renewal*
5 *of registration. If a registrant fails to return the application*
6 *rejected for insufficiency or incompleteness within 90 days from*
7 *the original date of rejection, the application and fee shall be*
8 *deemed abandoned. Any application abandoned may not be*
9 *reinstated. However, the person may file a new application for*
10 *registration pursuant to Section 7153.1.*

11 *(2) The registrar may review and accept the petition of a person*
12 *who disputes the abandonment of his or her renewal application*
13 *upon a showing of good cause. This petition shall be received*
14 *within 90 days of the date the application for renewal is deemed*
15 *abandoned.*

16 *(d) This section shall become operative on July 1, 2017.*

17 ~~SEC. 36.~~

18 *SEC. 47.* Section 8031 of the Business and Professions Code
19 is amended to read:

20 8031. The amount of the fees required by this chapter is that
21 fixed by the board in accordance with the following schedule:

22 (a) The fee for filing an application for each examination shall
23 be no more than forty dollars (\$40).

24 (b) The fee for examination and reexamination for the written
25 or practical part of the examination shall be in an amount fixed by
26 the board, which shall be equal to the actual cost of preparing,
27 administering, grading, and analyzing the examination, but shall
28 not exceed seventy-five dollars (\$75) for each separate part, for
29 each administration.

30 (c) The initial certificate fee is an amount equal to the renewal
31 fee in effect on the last regular renewal date before the date on
32 which the certificate is issued, except that, if the certificate will
33 expire less than 180 days after its issuance, then the fee is 50
34 percent of the renewal fee in effect on the last regular renewal date
35 before the date on which the certificate is issued, or fifty dollars
36 (\$50), whichever is greater. The board may, by appropriate
37 regulation, provide for the waiver or refund of the initial certificate
38 fee where the certificate is issued less than 45 days before the date
39 on which it will expire.

(d) By a resolution adopted by the board, a renewal fee may be established in such amounts and at such times as the board may deem appropriate to meet its operational expenses and funding responsibilities as set forth in this chapter. The renewal fee shall not be more than two hundred fifty dollars (\$250) nor less than ten dollars (\$10) annually, with the following exception:

Any person who is employed full time by the State of California as a hearing reporter and who does not otherwise render shorthand reporting services for a fee shall be exempt from licensure while in state employment and shall not be subject to the renewal fee provisions of this subdivision until 30 days after leaving state employment. The renewal fee shall, in addition to the amount fixed by this subdivision, include any unpaid fees required by this section plus any delinquency fee.

(e) The duplicate certificate fee shall be no greater than ten dollars (\$10).

(f) The penalty for failure to notify the board of a change of name or address as required by Section 8024.6 shall be no greater than fifty dollars (\$50).

~~SEC. 37.~~

SEC. 48. Section 8516 of the Business and Professions Code is amended to read:

8516. (a) This section, and Section 8519, apply only to wood destroying pests or organisms.

(b) A registered company or licensee shall not commence work on a contract, or sign, issue, or deliver any documents expressing an opinion or statement relating to the absence or presence of wood destroying pests or organisms until an inspection has been made by a licensed Branch 3 field representative or operator employed by a registered company, except as provided in Section 8519.5. The address of each property inspected or upon which work is completed shall be reported on a form prescribed by the board and shall be filed with the board no later than 10 business days after the commencement of an inspection or upon completed work.

Every property inspected pursuant to this subdivision or Section 8518 shall be assessed a filing fee pursuant to Section 8674.

Failure of a registered company to report and file with the board the address of any property inspected or work completed pursuant to Section 8518 or this section is grounds for disciplinary action and shall subject the registered company to a fine of not more than

1 two thousand five hundred dollars (\$2,500). The address of an
2 inspection report prepared for use by an attorney for litigation
3 purposes shall not be required to be reported to the board and shall
4 not be assessed a filing fee.

5 A written inspection report conforming to this section and a form
6 approved by the board shall be prepared and delivered to the person
7 requesting the inspection and the property owner, or to the property
8 owner's designated agent, within 10 business days from the start
9 of the inspection, except that an inspection report prepared for use
10 by an attorney for litigation purposes is not required to be reported
11 to the board or the property owner. An inspection report may be
12 a complete, limited, supplemental, or reinspection report, as defined
13 by Section 1993 of Title 16 of the California Code of Regulations.
14 The report shall be delivered before work is commenced on any
15 property. The registered company shall retain for three years all
16 inspection reports, field notes, and activity forms.

17 Reports shall be made available for inspection and reproduction
18 to the executive officer of the board or his or her duly authorized
19 representative during business hours. All inspection reports or
20 copies thereof shall be submitted to the board upon demand within
21 two business days. The following shall be set forth in the report:

22 (1) The start date of the inspection and the name of the licensed
23 field representative or operator making the inspection.

24 (2) The name and address of the person or firm ordering the
25 report.

26 (3) The name and address of the property owner and any person
27 who is a party in interest.

28 (4) The address or location of the property.

29 (5) A general description of the building or premises inspected.

30 (6) A foundation diagram or sketch of the structure or structures
31 or portions of the structure or structures inspected, including the
32 approximate location of any infested or infected areas evident, and
33 the parts of the structure where conditions that would ordinarily
34 subject those parts to attack by wood destroying pests or organisms
35 exist. Reporting of the infested or infected wood members, or parts
36 of the structure identified, shall be listed in the inspection report
37 to clearly identify them, as is typical in standard construction
38 components, including, but not limited to, siding, studs, rafters,
39 floor joists, fascia, subfloor, sheathing, and trim boards.

(7) Information regarding the substructure, foundation walls and footings, porches, patios and steps, air vents, abutments, attic spaces, roof framing that includes the eaves, rafters, fascias, exposed timbers, exposed sheathing, ceiling joists, and attic walls, or other parts subject to attack by wood destroying pests or organisms. Conditions usually deemed likely to lead to infestation or infection, such as earth-wood contacts, excessive cellulose debris, faulty grade levels, excessive moisture conditions, evidence of roof leaks, and insufficient ventilation are to be reported.

(8) One of the following statements, as appropriate, printed in bold type:

(A) The exterior surface of the roof was not inspected. If you want the water tightness of the roof determined, you should contact a roofing contractor who is licensed by the Contractors' State License Board.

(B) The exterior surface of the roof was inspected to determine whether or not wood destroying pests or organisms are present.

(9) Indication or description of any areas that are inaccessible or not inspected with recommendation for further inspection if practicable. If, after the report has been made in compliance with this section, authority is given later to open inaccessible areas, a supplemental report on conditions in these areas shall be made.

(10) Recommendations for corrective measures.

(11) Information regarding the pesticide or pesticides to be used for their control or prevention as set forth in subdivision (a) of Section 8538.

(12) The inspection report shall clearly disclose that if requested by the person ordering the original report, a reinspection of the structure will be performed if an estimate or bid for making repairs was given with the original inspection report, or thereafter.

An estimate or bid shall be given separately allocating the costs to perform each and every recommendation for corrective measures as specified in subdivision (c) with the original inspection report if the person who ordered the original inspection report so requests, and if the registered company is regularly in the business of performing each corrective measure.

If no estimate or bid was given with the original inspection report, or thereafter, then the registered company shall not be required to perform a reinspection.

1 A reinspection shall be an inspection of those items previously
2 listed on an original report to determine if the recommendations
3 have been completed. Each reinspection shall be reported on an
4 original inspection report form and shall be labeled "Reinspection."
5 Each reinspection shall also identify the original report by date.

6 After four months from an original inspection, all inspections
7 shall be original inspections and not reinspections.

8 Any reinspection shall be performed for not more than the price
9 of the registered company's original inspection price and shall be
10 completed within 10 business days after a reinspection has been
11 ordered.

12 (13) The inspection report shall contain the following statement,
13 printed in boldface type:

14
15 "NOTICE: Reports on this structure prepared by various
16 registered companies should list the same findings (i.e. termite
17 infestations, termite damage, fungus damage, etc.). However,
18 recommendations to correct these findings may vary from company
19 to company. You have a right to seek a second opinion from
20 another company."

21
22 (c) At the time a report is ordered, the registered company or
23 licensee shall inform the person or entity ordering the report, that
24 a separate report is available pursuant to this subdivision. If a
25 separate report is requested at the time the inspection report is
26 ordered, the registered company or licensee shall separately identify
27 on the report each recommendation for corrective measures as
28 follows:

- 29 (1) The infestation or infection that is evident.
30 (2) The conditions that are present that are deemed likely to
31 lead to infestation or infection.

32 If a registered company or licensee fails to inform as required
33 by this subdivision and a dispute arises, or if any other dispute
34 arises as to whether this subdivision has been complied with, a
35 separate report shall be provided within 24 hours of the request
36 but, in no event, later than the next business day, and at no
37 additional cost.

38 (d) When a corrective condition is identified, either as paragraph
39 (1) or (2) of subdivision (c), and the property owner or the property
40 owner's designated agent chooses not to correct those conditions,

1 the registered company or licensee shall not be liable for damages
2 resulting from a failure to correct those conditions or subject to
3 any disciplinary action by the board. Nothing in this subdivision,
4 however, shall relieve a registered company or a licensee of any
5 liability resulting from negligence, fraud, dishonest dealing, other
6 violations pursuant to this chapter, or contractual obligations
7 between the registered company or licensee and the responsible
8 parties.

9 (e) The inspection report form prescribed by the board shall
10 separately identify the infestation or infection that is evident and
11 the conditions that are present that are deemed likely to lead to
12 infestation or infection. If a separate form is requested, the form
13 shall explain the infestation or infection that is evident and the
14 conditions that are present that are deemed likely to lead to
15 infestation or infection and the difference between those conditions.
16 In no event, however, shall conditions deemed likely to lead to
17 infestation or infection be characterized as actual “defects” or as
18 actual “active” infestations or infections or in need of correction
19 as a precondition to issuing a certification pursuant to Section
20 8519.

21 (f) The report and any contract entered into shall also state
22 specifically when any guarantee for the work is made, and if so,
23 the specific terms of the guarantee and the period of time for which
24 the guarantee shall be in effect. If a guarantee extends beyond three
25 years, the registered company shall maintain all original inspection
26 reports, field notes, activity forms, and notices of completion for
27 the duration of the guarantee period and for one year after the
28 guarantee expires.

29 (g) For purposes of this section, “control service agreement”
30 means an agreement, including extended warranties, to have a
31 licensee conduct over a period of time regular inspections and
32 other activities related to the control or eradication of wood
33 destroying pests and organisms. Under a control service agreement
34 a registered company shall refer to the original report and contract
35 in a manner as to identify them clearly, and the report shall be
36 assumed to be a true report of conditions as originally issued,
37 except it may be modified after a control service inspection. A
38 registered company is not required to issue a report as outlined in
39 paragraphs (1) to (11), inclusive, of subdivision (b) after each
40 control service inspection. If after control service inspection, no

1 modification of the original report is made in writing, then it will
2 be assumed that conditions are as originally reported. A control
3 service contract shall state specifically the particular wood
4 destroying pests or organisms and the portions of the buildings or
5 structures covered by the contract.

6 (h) A registered company or licensee may enter into and
7 maintain a control service agreement provided the following
8 requirements are met:

9 (1) The control service agreement shall be in writing, signed by
10 both parties, and shall specifically include the following:

11 (A) The wood destroying pests and organisms covered by the
12 control service agreement.

13 (B) Any wood destroying pest or organism that is not covered
14 must be specifically listed.

15 (C) The type and manner of treatment to be used to correct the
16 infestations or infections.

17 (D) The structures or buildings, or portions thereof, covered by
18 the agreement, including a statement specifying whether the
19 coverage for purposes of periodic inspections is limited or full.
20 Any exclusions from those described in the original report must
21 be specifically listed.

22 (E) A reference to the original inspection report.

23 (F) The frequency of the inspections to be provided, the fee to
24 be charged for each renewal, and the duration of the agreement.

25 (G) Whether the fee includes structural repairs.

26 (H) If the services provided are guaranteed, and, if so, the terms
27 of the guarantee.

28 (I) A statement that all corrections of infestations or infections
29 covered by the control service agreement shall be completed within
30 six months of discovery, unless otherwise agreed to in writing by
31 both parties.

32 (2) The original inspection report, the control service agreement,
33 and completion report shall be maintained for three years after the
34 cancellation of the control service agreement.

35 (3) Inspections made pursuant to a control service agreement
36 shall be conducted by a Branch 3 licensee. Section 8506.1 does
37 not modify this provision.

38 (4) A full inspection of the property covered by the control
39 service agreement shall be conducted and a report filed pursuant
40 to subdivision (b) at least once every three years from the date that

1 the agreement was entered into, unless the consumer cancels the
2 contract within three years from the date the agreement was entered
3 into.

4 (5) Under a control service agreement, a written report shall be
5 required for the correction of any infestation or infection unless
6 all of the following conditions are met:

7 (A) The infestation or infection has been previously reported.

8 (B) The infestation or infection is covered by the control service
9 agreement.

10 (C) There is no additional charge for correcting the infestation
11 or infection.

12 (D) Correction of the infestation or infection takes place within
13 45 days of its discovery.

14 (E) Correction of the infestation or infection does not include
15 fumigation.

16 (6) All notice requirements pursuant to Section 8538 shall apply
17 to all pesticide treatments conducted under control service
18 agreements.

19 (i) All work recommended by a registered company, where an
20 estimate or bid for making repairs was given with the original
21 inspection report, or thereafter, shall be recorded on this report or
22 a separate work agreement and shall specify a price for each
23 recommendation. This information shall be provided to the person
24 requesting the inspection, and shall be retained by the registered
25 company with the inspection report copy for three years.

26 ~~SEC. 38.~~

27 *SEC. 49.* Section 8518 of the Business and Professions Code
28 is amended to read:

29 8518. (a) When a registered company completes work under
30 a contract, it shall prepare, on a form prescribed by the board, a
31 notice of work completed and not completed, and shall furnish
32 that notice to the owner of the property or the owner's agent within
33 10 business days after completing the work. The notice shall
34 include a statement of the cost of the completed work and estimated
35 cost of work not completed.

36 (b) The address of each property inspected or upon which work
37 was completed shall be reported on a form prescribed by the board
38 and shall be filed with the board no later than 10 business days
39 after completed work.

1 (c) A filing fee shall be assessed pursuant to Section 8674 for
2 every property upon which work is completed.

3 (d) Failure of a registered company to report and file with the
4 board the address of any property upon which work was completed
5 pursuant to subdivision (b) of Section 8516 or this section is
6 grounds for disciplinary action and shall subject the registered
7 company to a fine of not more than two thousand five hundred
8 dollars (\$2,500).

9 (e) The registered company shall retain for three years all
10 original notices of work completed, work not completed, and
11 activity forms.

12 (f) Notices of work completed and not completed shall be made
13 available for inspection and reproduction to the executive officer
14 of the board or his or her duly authorized representative during
15 business hours. Original notices of work completed or not
16 completed or copies thereof shall be submitted to the board upon
17 request within two business days.

18 (g) This section shall only apply to work relating to wood
19 destroying pests or organisms.

20 *SEC. 50. Section 13401 of the Corporations Code is amended*
21 *to read:*

22 13401. As used in this part:

23 (a) "Professional services" means any type of professional
24 services that may be lawfully rendered only pursuant to a license,
25 certification, or registration authorized by the Business and
26 Professions Code, the Chiropractic Act, or the Osteopathic Act.

27 (b) "Professional corporation" means a corporation organized
28 under the General Corporation Law or pursuant to subdivision (b)
29 of Section 13406 that is engaged in rendering professional services
30 in a single profession, except as otherwise authorized in Section
31 13401.5, pursuant to a certificate of registration issued by the
32 governmental agency regulating the profession as herein provided
33 and that in its practice or business designates itself as a professional
34 or other corporation as may be required by statute. However, any
35 professional corporation or foreign professional corporation
36 rendering professional services by persons duly licensed by the
37 Medical Board of California or any examining committee under
38 the jurisdiction of the board, California, the California Board of
39 Podiatric Medicine, the Osteopathic Medical Board of California,
40 the Dental Board of California, the Dental Hygiene Committee of

1 California, the California State Board of Pharmacy, the Veterinary
2 Medical Board, the California Architects Board, the Court
3 Reporters Board of California, the Board of Behavioral Sciences,
4 the Speech-Language Pathology and Audiology Board, the Board
5 of Registered Nursing, or the State Board of Optometry shall not
6 be required to obtain a certificate of registration in order to render
7 those professional services.

8 (c) “Foreign professional corporation” means a corporation
9 organized under the laws of a state of the United States other than
10 this state that is engaged in a profession of a type for which there
11 is authorization in the Business and Professions Code for the
12 performance of professional services by a foreign professional
13 corporation.

14 (d) “Licensed person” means any natural person who is duly
15 licensed under the provisions of the Business and Professions
16 Code, the Chiropractic Act, or the Osteopathic Act to render the
17 same professional services as are or will be rendered by the
18 professional corporation or foreign professional corporation of
19 which he or she is, or intends to become, an officer, director,
20 shareholder, or employee.

21 (e) “Disqualified person” means a licensed person who for any
22 reason becomes legally disqualified (temporarily or permanently)
23 to render the professional services that the particular professional
24 corporation or foreign professional corporation of which he or she
25 is an officer, director, shareholder, or employee is or was rendering.

26 ~~SEC. 39.~~

27 *SEC. 51.* Section 1348.8 of the Health and Safety Code is
28 amended to read:

29 1348.8. (a) A health care service plan that provides, operates,
30 or contracts for telephone medical advice services to its enrollees
31 and subscribers shall do all of the following:

32 (1) Ensure that the in-state or out-of-state telephone medical
33 advice service complies with the requirements of Chapter 15
34 (commencing with Section 4999) of Division 2 of the Business
35 and Professions Code.

36 (2) Ensure that the staff providing telephone medical advice
37 services for the in-state or out-of-state telephone medical advice
38 service are licensed as follows:

39 (A) For full service health care service plans, the staff hold a
40 valid California license as a registered nurse or a valid license in

1 the state within which they provide telephone medical advice
2 services as a physician and surgeon or physician assistant, and are
3 operating in compliance with the laws governing their respective
4 scopes of practice.

5 (B) (i) For specialized health care service plans providing,
6 operating, or contracting with a telephone medical advice service
7 in California, the staff shall be appropriately licensed, registered,
8 or certified as a dentist pursuant to Chapter 4 (commencing with
9 Section 1600) of Division 2 of the Business and Professions Code,
10 as a dental hygienist pursuant to Article 7 (commencing with
11 Section 1740) of Chapter 4 of Division 2 of the Business and
12 Professions Code, as a physician and surgeon pursuant to Chapter
13 5 (commencing with Section 2000) of Division 2 of the Business
14 and Professions Code or the Osteopathic Initiative Act, as a
15 registered nurse pursuant to Chapter 6 (commencing with Section
16 2700) of Division 2 of the Business and Professions Code, as a
17 psychologist pursuant to Chapter 6.6 (commencing with Section
18 2900) of Division 2 of the Business and Professions Code, as an
19 optometrist pursuant to Chapter 7 (commencing with Section 3000)
20 of Division 2 of the Business and Professions Code, as a marriage
21 and family therapist pursuant to Chapter 13 (commencing with
22 Section 4980) of Division 2 of the Business and Professions Code,
23 as a licensed clinical social worker pursuant to Chapter 14
24 (commencing with Section 4991) of Division 2 of the Business
25 and Professions Code, as a professional clinical counselor pursuant
26 to Chapter 16 (commencing with Section 4999.10) of Division 2
27 of the Business and Professions Code, or as a chiropractor pursuant
28 to the Chiropractic Initiative Act, and operating in compliance
29 with the laws governing their respective scopes of practice.

30 (ii) For specialized health care service plans providing,
31 operating, or contracting with an out-of-state telephone medical
32 advice service, the staff shall be health care professionals, as
33 identified in clause (i), who are licensed, registered, or certified
34 in the state within which they are providing the telephone medical
35 advice services and are operating in compliance with the laws
36 governing their respective scopes of practice. All registered nurses
37 providing telephone medical advice services to both in-state and
38 out-of-state business entities registered pursuant to this chapter
39 shall be licensed pursuant to Chapter 6 (commencing with Section
40 2700) of Division 2 of the Business and Professions Code.

1 (3) Ensure that every full service health care service plan
2 provides for a physician and surgeon who is available on an on-call
3 basis at all times the service is advertised to be available to
4 enrollees and subscribers.

5 (4) Ensure that staff members handling enrollee or subscriber
6 calls, who are not licensed, certified, or registered as required by
7 paragraph (2), do not provide telephone medical advice. Those
8 staff members may ask questions on behalf of a staff member who
9 is licensed, certified, or registered as required by paragraph (2),
10 in order to help ascertain the condition of an enrollee or subscriber
11 so that the enrollee or subscriber can be referred to licensed staff.
12 However, under no circumstances shall those staff members use
13 the answers to those questions in an attempt to assess, evaluate,
14 advise, or make any decision regarding the condition of an enrollee
15 or subscriber or determine when an enrollee or subscriber needs
16 to be seen by a licensed medical professional.

17 (5) Ensure that no staff member uses a title or designation when
18 speaking to an enrollee or subscriber that may cause a reasonable
19 person to believe that the staff member is a licensed, certified, or
20 registered professional described in Section 4999.2 of the Business
21 and Professions Code unless the staff member is a licensed,
22 certified, or registered professional.

23 (6) Ensure that the in-state or out-of-state telephone medical
24 advice service designates an agent for service of process in
25 California and files this designation with the director.

26 (7) ~~Requires~~ *Require* that the in-state or out-of-state telephone
27 medical advice service makes and maintains records for a period
28 of five years after the telephone medical advice services are
29 provided, including, but not limited to, oral or written transcripts
30 of all medical advice conversations with the health care service
31 plan's enrollees or subscribers in California and copies of all
32 complaints. If the records of telephone medical advice services
33 are kept out of state, the health care service plan shall, upon the
34 request of the director, provide the records to the director within
35 10 days of the request.

36 (8) Ensure that the telephone medical advice services are
37 provided consistent with good professional practice.

38 (b) The director shall forward to the Department of Consumer
39 Affairs, within 30 days of the end of each calendar quarter, data

1 regarding complaints filed with the department concerning
2 telephone medical advice services.

3 (c) For purposes of this section, “telephone medical advice”
4 means a telephonic communication between a patient and a health
5 care professional in which the health care professional’s primary
6 function is to provide to the patient a telephonic response to the
7 patient’s questions regarding his or her or a family member’s
8 medical care or treatment. “Telephone medical advice” includes
9 assessment, evaluation, or advice provided to patients or their
10 family members.

11 ~~SEC. 40.~~

12 *SEC. 52.* Section 10279 of the Insurance Code is amended to
13 read:

14 10279. (a) Every disability insurer that provides group or
15 individual policies of disability, or both, that provides, operates,
16 or contracts for, telephone medical advice services to its insureds
17 shall do all of the following:

18 (1) Ensure that the in-state or out-of-state telephone medical
19 advice service complies with the requirements of Chapter 15
20 (commencing with Section 4999) of Division 2 of the Business
21 and Professions Code.

22 (2) Ensure that the staff providing telephone medical advice
23 services for the in-state or out-of-state telephone medical advice
24 service hold a valid California license as a registered nurse or a
25 valid license in the state within which they provide telephone
26 medical advice services as a physician and surgeon or physician
27 assistant and are operating consistent with the laws governing their
28 respective scopes of practice.

29 (3) Ensure that a physician and surgeon is available on an on-call
30 basis at all times the service is advertised to be available to
31 enrollees and subscribers.

32 (4) Ensure that the in-state or out-of-state telephone medical
33 advice service designates an agent for service of process in
34 California and files this designation with the commissioner.

35 (5) Require that the in-state or out-of-state telephone medical
36 advice service makes and maintains records for a period of five
37 years after the telephone medical advice services are provided,
38 including, but not limited to, oral or written transcripts of all
39 medical advice conversations with the disability insurer’s insureds
40 in California and copies of all complaints. If the records of

1 telephone medical advice services are kept out of state, the insurer
2 shall, upon the request of the director, provide the records to the
3 director within 10 days of the request.

4 (6) Ensure that the telephone medical advice services are
5 provided consistent with good professional practice.

6 (b) The commissioner shall forward to the Department of
7 Consumer Affairs, within 30 days of the end of each calendar
8 quarter, data regarding complaints filed with the department
9 concerning telephone medical advice services.

10 ~~SEC. 41.~~

11 *SEC. 53.* No reimbursement is required by this act pursuant to
12 Section 6 of Article XIII B of the California Constitution because
13 the only costs that may be incurred by a local agency or school
14 district will be incurred because this act creates a new crime or
15 infraction, eliminates a crime or infraction, or changes the penalty
16 for a crime or infraction, within the meaning of Section 17556 of
17 the Government Code, or changes the definition of a crime within
18 the meaning of Section 6 of Article XIII B of the California
19 Constitution.